File Microcopies of Records in the National Archives: No. 133

Roll 70

DESPATCHES FROM UNITED STATES MINISTERS TO JAPAN

Volume 70

October 1, 1896 - November 30, 1897

THE NATIONAL ARCHIVES

Washington: 1949

INTRODUCTION

The 83 volumes reproduced in this microcopy contain communications, with related enclosures, that were received by the Secretary of State from diplomatic representatives of the United States accredited to Japan in the period 1855-1906. The series, which may be referred to as "Diplomatic Despatches, Japan," is part of a larger body of records in the National Archives designated as Record Group 59, General Records of the Department of State. The documents have been reproduced in the order, for the most part chronological, in which they appear in the volumes. Their contents are registered on Roll 1.

The volumes, each of which has been microcopied on a separate roll (except volumes 81 and 81 Annex which have been placed on one roll), are distributed as follows:

Roll	Volume	Inclusive Dates
1	1	March 17, 1855 - June 29, 1858
2	2	July 1, 1858 - December 31, 1859
3	3	January 2, 1860 - May 6, 1862
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5	5	January 4, 1864 - December 31, 1864
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Roll	Volume	Inclusive Dates
27	27	December 19, 1873 - March 20, 1874
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30	30	March 23, 1875 - October 5, 1875
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33	33	September 4, 1876 - March 6, 1877
34	34	March 7, 1877 - September 19, 1877
35	35	September 24, 1877 - December 31, 1877
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43	43	August 3, 1880 - January 22, 1881
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46	46	December 3, 1881 - May 23, 1882
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51	51	July 1, 1884 - December 29, 1884
52	52	January 2, 1885 - July 30, 1885
53	53	August 1, 1885 - December 31, 1885
54	54	January 6, 1886 - July 9, 1886
55	55	July 10, 1886 - December 29, 1886
56	56	January 1, 1887 - May 23, 1887
57	57	June 1, 1887 - December 31, 1887
58	58	January 6, 1888 - October 26, 1888
59	59	November 5, 1888 - July 31, 1889
60	60	August 1, 1889 - January 31, 1890
61	61	February 5, 1890 - June 23, 1890
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70	70	October 1, 1896 - November 30, 1897
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Roll	Volume	Inclusive Dates
76	76	January 3, 1902 - August 30, 1902
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78	78	December 1, 1903 - June 30, 1904
79	79	July 1, 1904 - February 25, 1905
80	80	March 4, 1905 - August 31, 1905
81	81	September 5, 1905 - February 28, 1906
	81 Annex	November 24, 1905
82	82	March 1, 1906 - August 9, 1906

Most of the communications are original despatches, usually accompanied by enclosures. Some of the enclosures are original notes to the American representatives from officials of the Japanese foreign ministry. Other enclosures were written by American consuls in Japan and, occasionally, by private citizens of the United States. A considerable number of enclosures are copies of communications sent by American representatives to Japanese officials. Pamphlets, newspaper clippings, and other printed matter are sometimes enclosed.

Apart from numbered despatches and enclosures, these volumes contain many unnumbered letters, some of which are marked "Private" or "Confidential." Unnumbered or private letters, more informal than despatches, may report official matters requiring secrecy or not fully covered in the despatches, or may convey personal news, acknowledgments of appointment or recall, announcements of arrival or departure, and statements of official expenses. The volumes also contain telegrams and cables, which were not numbered.

The register to these despatches reproduced on Roll 1 of this microcopy consists of selected pages from a number of State Department registers, which, taken as a unit, comprise a register of these despatches from 1855 to 1906. These register volumes, in their entirety, record diplomatic despatches received by the Department of State from American legations throughout the world from 1789 to 1906. For the period beginning in 1870 the communications reproduced in this microcopy are registered, with those from representatives in other countries, in volumes that have been reproduced as the first 10 rolls of File Microcopy 17, State Department Registers of Correspondence.

In Record Group 59, General Records of the Department of State, in the National Archives there are several series of volumes containing additional material on the relations between Japan and the United States. Complementary to the diplomatic despatches are instructions from the Secretary of State to the diplomatic representatives of the United States accredited to Japan, 1855-1906, which have been reproduced on Rolls 104-108 of File Microcopy 77, Diplomatic Instructions of the Department of State. Additional records pertaining to the relations between the United States and Japan during the period covered by the present microcopy include the

communications ("Notes") exchanged between the Secretary of State and the diplomatic representatives of Japan in Washington. Related to these records, though less directly, are despatches to the Department of State from United States consuls at Nagasaki, 1860-1906 (File Microcopy 131), Kanagawa, 1861-1897 (File Microcopy 135), Yokohama, 1897-1906 (File Microcopy 136), and at Osaka, Hiogo, and Kobe, 1868-1906. All these series were discontinued on August 14, 1906, when the Department of State adopted the practice of filing incoming and outgoing correspondence, not of a routine nature, by subject in a single numerical case file. Correspondence on routine matters was placed in a "minor file." In 1910 this system was abandoned and the Department's present decimal system of subject classification adopted. The numerical case file, the "minor file," and the decimal file are in the National Archives through 1929.

Also in the National Archives, in Record Group 84, Records of the Foreign Service Posts of the Department of State, there are records kept by American diplomatic and consular posts. Although these post records duplicate to some extent the records that were kept in Washington, they supplement them importantly by providing detailed information about many transactions that were only summarized or were not reported on at all in the documents that were transmitted to Washington. File microcopies of these post records have not been made.

In this microcopy the ends of lines next to the binding have not always been reproduced by the camera; a reading of any lines thus affected will be provided upon request by the National Archives.

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The volume microcopied on this roll has the following backstrip title: "70 / Japan / Edwin Dun / Alfred E. Buck / October 1, 1896 / November 30, 1897 / 416 - 499, 1 - 61 / Department / of State." It contains communications, with related enclosures, to the Secretary of State from the following Envoys Extraordinary and Ministers Plenipotentiary accredited to the Government of Japan: Edwin Dun, accredited April 4, 1893; and Alfred E. Buck, accredited April 13, 1897.

7/0

Japan

Edwin Dun

Alfred E Buck

October 1, 1896

December 31, 1897

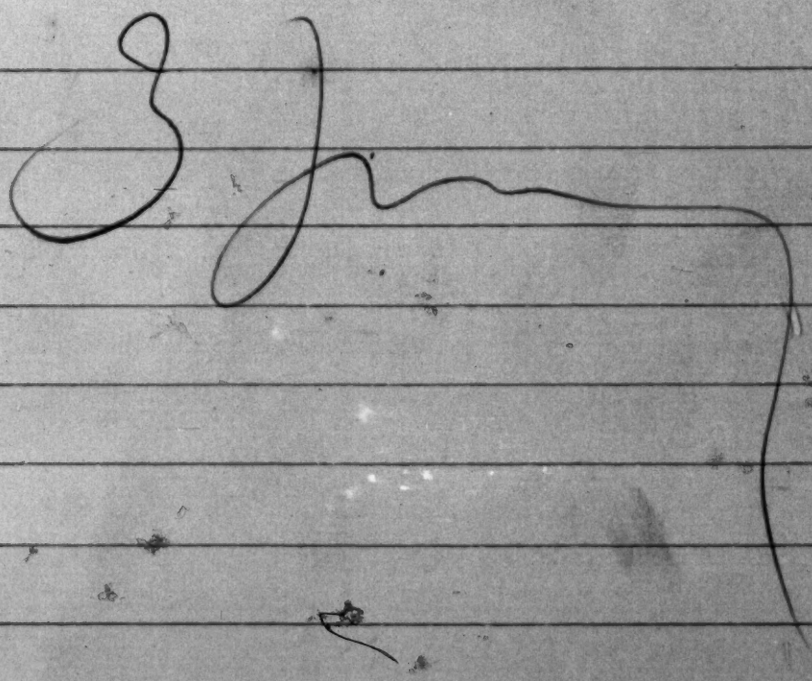
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for

No 64



DIPLOMATIC
OCT 26 1896
BUREAU.

ASSISTANT SECRETARY
OCT 26 1896
DEPARTMENT OF STATE.

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B.

No. 416.

DIPLOMATIC BUREAU
RECD.
OCT 24 1896
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokio, Japan, October I, 1896.

Sgd. A. Dun

Ackd To Treas Oct. 27.

Mr. Dun,

to the Secretary of State.

Subject:

Enclosing copy of rules relating to the Law for the Encouragement of Navigation.

No. 416.

LEGATION OF THE UNITED STATES,

Tokio, Japan, October I, I896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

In connection with my No. 4II, of date September I4, I896, replying to your instruction No. 346 of date July 25, last, in which you directed me to obtain copies of the Law for the Encouragement of the Merchant Marine of Japan, I have the honor to enclose herewith translation copy of the Rules recently issued by the Minister of Communications to supplement the Law for the Encouragement of Navigation, to go into effect from October I, I896.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Copy of Rules relating to the Law for the Encouragement of Navigation.

Enclosure with Mr. Lewis's No.

416

RULES RELATING TO THE LAW

FOR THE ENCOURAGEMENT OF NAVIGATION .

Correct Translation
R S Miller
U. S. Interpreter
of Legation.

RULES FOR THE ENCOURAGEMENT OF NAVIGATION.

(No. I5 Department of Communications.)

The following rules relating to the law for the encouragement of Navigation have been adopted to go into effect October the first, I896.

(Signed) SHIRANE SENICHI.

Sept. 5, I896. Minister of Communications.

ARTICLE I. General Rules.

Section 1. Any person desiring to obtain a bonus according to the law for the encouragement of Navigation shall make application to the Department of Communications, through the Local Government Office of the district in which the business is located, in the following manner:-

1. Specifications of the ship (Form No. 1.)
2. Diagram of the ship.
3. Register of names of officers and crew. (Form No. 2.)
4. Statement of Plan of Business.

Section 2. Diagram of ship shall show the following dimensions:-

1. Middle cross section of hull.
2. Longitudinal section through centre of ship.
3. A rough diagram of the various pipes passing from the engine room to the salt and fresh water and the distribution of spouts.

Section 3. In case the vessel be owned by two or more persons the one named in the registered certificate shall send in with the application

a written statement off the names of all the owners and their relation to the vessel.

Section 4. In case of a Commercial Company the application shall be made by the members or the manager responsible for the conduct of the Company's business accompanied by a written statement of the following points:-

1. Kind of Company.
2. Names of members or shareholders.
3. Compact, or Rules of Company.
4. Names of the members or manager responsible for the conduct of the Company's business.

ARTICLE II. Examination of Ships.

Section5. When the statements made under Sections 1, 3, and 4 have been approved by the Minister of Communications he shall order the vessel to be inspected by an official inspector.

Section 6. Place of inspection shall be fixed by the Minister of Communications.

Section 7. The full power of the vessel shall be determined by the average speed six times over a course of between three and four knots, at a draft permitted by the official inspector, under the natural power (natural draught) of the engine. The ship's engine must be kept going at full power during the whole distance.

Section 8. The date of construction of the ship shall be reckoned from the date of launching. The date of launching shall be certified to, in case of a home-

built ship, by the head of the local Government office of the district in which the ship was constructed; and in the case of a foreign-built ship by the Japanese Consul resident in the country.

If the date of launching be uncertain, the reckoning shall be taken from the first of the month; and if the month be uncertain , the reckoning shall be taken from the first of the year.

Section 9. At the time of the official of the vessel the owners and captain shall make all necessary preparations for the inspection, and observe all the orders of the Inspector.

Section IO. If at any time after the receipt of the certificate (see Art III.) a ship shall be injured or in need of repair, the owner or captain shall send a detailed statement of the circumstances and reasons to the Department of Communications.

ARTICLE II. Certificates.

Section II. When, after the official inspection according to Section 5 the Minister of Communications shall decide that a ship is entitled to the bonus for the encouragement of navigation, the applicant shall receive, through the local Government office, a certificate (Form No. 4.)

Section I2. The term for which the certificate shall be valid shall be determined within one year, in accordance with the condition of the vessel.

Section I3. If the original certificate become lost or

destroyed, or the conditions therein specified be changed, application must be made for éts re-issuance or correction; and at the time of such application the old certificate(if in existence) shall be returned.

Section I4. When a certificate shall come under any of the following conditions it shall be immediately returned:

I. The expiration of the term of the certificate.

2 The sale, rental, exchange or giving away of vessel.

3. The suspension or cessation of business.

4. The loss or wreck of vessel

5. The cessation of the payment of bounty.

6. When, in addition to the above, any of the conditions of the receipt of bonus for the encouragement of navigation be not fulfilled.

Section I5. In case of the death or bankruptcy of the holder of a certificate, it shall be returned by the relatives of the deceased or the receiver of the estate In case of the dissolution or bankruptcy of a Company the certificate shall be returned by the accountant or receiver of the Company.

Section I6. In case of delay in the return of the certificate according to the preceding Sections, its annulment shall be published in the Official Gazette.

Section I7. When, before the expiration of the term of its certificate, a vessel be acquired by sale, exchange or gift, application shall be made by the owner to the Department of Communications for a new certificate, enclosing copy of the vessel's registration according to Sections I, 3 and 4.

When a vessel is acquired before the expiration of the term of its certificate, by succession or marriage, application shall be made by the owner to the Department of Communications for a new certificate, enclosing together with a copy of the ship's registration, a certified statement of the circumstances.

In the two cases mentioned above the new certificate shall be granted without further inspection of the vessel, but the term of the certificate shall not exceed that of the old one.

Section 18. When any change or correction shall be necessary in the facts specified under Sections 1, 3, and 4, immediate notice to that effect shall be given to the Department of Communications.

ARTICLE IV. Navigation.

Section 19. When the possessor of a Certificate is about to undertake a voyage that will entitle him to a bonus for the encouragement of navigation, he shall each time give notice in advance to the Department of Communications respecting the route, place of departure, ports of call, destination, and the times of arrival and departure at the various ports.

Section 20. Ships which possess a certificate shall be furnished with books, which shall receive the approval of the Department of Communications, for the daily record of navigation and engineers' reports, wherein shall be entered, according to the directions for the use of such records, all facts of importance.

Section 21.

Section 21. Vessels holding a certificate shall, upon departure from or arrival at Japan, report to the Custom House and obtain a certified statement of the departure or arrival.

Upon arrival at or departure from various foreign ports, the vessel shall report itself to the Japanese Consul or Commercial Agentssat such ports and obtain a certified statement of the fact. In places where there may be no Japanese Consul or Commercial Agent, the certified statement of a foreign public official should be obtained.

ARTICLE V. Students of Navigation.

Section 22. When students of Navigation are placed on board a ship in accordance with Article VIII of the Laws for the Encouragement of Navigation, the owner of the said ship shall furnish provision and a suitable room, together with bedding; besides which he shall give remuneration at the following rates:-

1. Students of less than 1 year's service, Yen 3.00 or more per month.
2. Students of less than 2 years' service, Yen 5.00 or more per month.
3. Students of more than 2 years' service, Yen 7.00 or more per month.

Section 23. The captain of a vessel upon which students of navigation are embarked shall give attention to the training, conduct, and work of such students, and shall make report thereon to the Minister of Communications every six months.

If a student shall leave the ship within the six months, a report upon his progress shall be made at the time of his leaving.

Section 24. If a student of navigation shall become sick or receive injury while in the pursuance of his duties the owner of the vessel shall provide for his medical attendance not to exceed three months.

Section 25. The owner of a ship shall not dismiss a student of navigation from his vessel without the permission of the Minister of Communications.

When, in case of unavoidable necessity, there may not be time to secure the permission mentioned in the previous clause, an accurate statement of the reasons for putting the student of navigation from the ship shall be presented and the consent of the Minister of Communications obtained.

Section 26. When a student of navigation is put off from a vessel, the owner shall pay his travelling expenses from that place to the place specified by the Minister of Communications. When, however, a student is put off for misconduct, this provision shall not apply.

ARTICLE VI. Employment of Foreigners.

Section 27. When the master of a vessel holding a certificate shall desire to employ a foreigner, either in the business of the main or branch offices, or on board ship, he shall furnish the following particulars and obtain the consent of the Minister of Communications:

1. Reason for employment.
2. Copy of Contract.
3. Nationality, name, present address, date of birth, and biography of the employee.
4. Copy of certificate of proficiency, if he possess one.

Section 28. When a foreigner employed with the consent of the Minister of Communications is dismissed, notice of the fact shall be given to the Department of Communications.

Section 29. When, in a foreign country, by reason of death or unavoidable necessity, a vacancy shall occur among the officers or crew of the vessel, and shall be filled by a foreigner, a minute statement of the circumstances shal be furnished to the Japanese Consulate or Commercial Agency and their sanction obtained. Thereafter the provisions of Section 27 shall be observed.

In places where there mey be no Japanese Consulate or Commercial Agency, the sanction of a foreign public official shall be obtained.

ARTICLE VII. Mail Matter.

Section 30. Whenever a vessel holding a certificate and receiving a bonus for the encouragement of navigation, shall go on a voyage, the times of arrival and departure at the respective ports shall be announced in advance to the local Japanese Post Office.

Section 31. When a Post Office Official shall embark upon the vessel, he shall, for the proper performance

of his duties, without let or hindrance, be provided with a suitable cabin, and shall be accorded proper treatment.

Section 32. When an order is received to convey mail or Parcel Post matter, or articles for the use of the Mail or Parcel Post service, a safe place, free from danger from thieves, moisture, or fire, shall be selected for its security.

Section 33. When an order has been received to convey Mail or Parcel Post matter, or articles connected therewith, such postal matter shall be in charge of the Post Office Official, when such an official is on board, or in his absence, in charge of the captain or first officer.

Section 34. When, in the course of a voyage, by reason of accident or any other cause, it may be impossible to convey mail or Parcel Post matter, it shall be treated in a manner specially provided.

Section 35. Ships conveying Mail or Parcel Post matter under orders, shall hoist the Postal Service Ensign.

Section 36. The details of the conveyance, receipt, and delivery of Mail and Parcel Post matter shall be specially determined.

ARTICLE VIII. Employment of Vessels.

Section 37. When the Minister of Communications shall employ a vessel in accordance with Article VII of the Law for the Encouragement of Navigation the date, duration, amount of compensation, round voyage, and ports of call shall be determined and announced to the owner or commander of the vessel.

The owner or commander of the vessel shall bring her to the appointed place on the date fixed according to the preceding clause.

ARTICLE IX. Bonus for the Encouragement of Navigation.

Section 38. The shortest routes between various ports shall be determined according to the most recent charts issued by the hydrographic Bureau of the Navy Department. In case of routes for which charts are not issued by the Navy Department, the distance shall be determined according to the most recent charts issued by the English Navy Department.

Section 39. A person entitled to receive a bonus for the Encouragement of Navigation, shall at the end of each voyage present to the Department of Communications an application according to Form No. 5, and a minute statement of the daily record of the voyage according to Form No. 6, together with a 11 documents necessary to certify to all the circumstances of the voyage.

Section 40. After careful examination at the Department of Communications of the above mentioned documents, the bonus for the Encouragement of Navigation shall be paid to the owner of the vessel.

Section 41. When suit is brought by the owner or his representative, or by the commander of the vessel for breach of the law for the Encouragement of Navigation, the bonus shall not be paid pending the decision of the court.

ARTICLE X. Miscellaneous Rules.

Section 42. When in case of natural calamity or unavoidable accident the voyage cannot be completed and the provisions of Article XI of the Law for the Encouragement of Navigation are applied, the captain or owner shall make a statement of the circumstances and obtain the formal sanction of the Japanese Consulate or Commercial Agency, and forward the same to the Department of Communications. In places where there may be no Japanese Consulate or Commercial Agency, the sanction of a foreign public official shall be obtained

Section 43. A person possessing a certificate shall at least once a year close his accounts and prepare and present to the Minister of Communications a statement of profit and loss, inventory of property, balance sheet, and report of business.

Section 44. When the Minister of Communications shall send an official inspector to the place of business of the owner of a ship who holds a certificate, the books and certified documents shall be put out and arranged for examination.

Section 45. When the possessor of a certificate shall enter into a commercial contract with a foreigner for three months or more, the terms of the contract shall be at once sent to the Department of Communications.

LIST OF FORMS.

Form No. I.) Specéfications of Vessel.

- Name of ship
- Date and place of registration
- Name of local government under whose jurisdiction the vessel comes
- Material of outside of ship
- Material of frame
- Number and kind of decks
- Double bottom or not; if so what part.
- Length, width and depth of ship
- Gross tonnage and registered tonnage
- Place of manufacture
- Date of launching
- Number and kind of machinery
- Number and kind of engines
- Kind of propeller
- Horse-power, registered and real
- Speed, full and ordinary.

I certify to the correctness of the above statements,

(Signed)

(Date) Owner of ship.

Form No. 2) Register of Officers and Crew of _____

Rank	Kind and No. of Certificate	Salary	Rank	Name
Captain				
First Officer				
2nd Officer				
Other Officers				
Ist Engineer				
2nd Engineer				
Other Engineers				
Business Manager				
Business Committee				

_____

Occupation	Wages	Native or Foreign	Total
Chief Sailor			
Carpenter			
Steersman			
Sailors			
Oilers			
Firemen			

I certify etc., etc.,

Form No 3.) Statement of Plan of Business.

I. Sea route, what line, place of departure, ports of call, destination.

II. Departure and arrival:- line, name of ship, duration of round voyage; date of arrival and departure at -------, outbound; date of arrival and departure at ------- return voyage.

III. Traffic: line, name of ship No. of passengers (Ist, 2nd, and 3rd); nature of cargo.

IV. Accounts:

Receipts: line name of ship, passenger fares (Ist, 2nd, and 3rd) , freight receipts; amount of bonus for encouragement of navigation

Expenditures: (line, name of ship) wages of employees, cost of food, coal , taxes, pilot fees, expenses connected with cargo and passengers, harbor dues, sundries, small repairs, miscellaneous, reserve fund; provision for major repairs(3/100 of value of ship), replacing the wear on vessel (5/100 of ship's value), insurance (5/100 of ship's value); office expenses.

V/ Profit and loss: amount of reserve, bonus to officers , dividends, surplus.

VI. Business : location and names of committee of management of the main office, branch and sub-branch offices, and agencies.

I certify etc., etc.,

To/

The Minister of Communications.

Form No. 4) Certificate No.-----

Name of owner, address and position

Name of ship, date of registration, and number

Under jurisdiction of what local government office

Place of registration

Material of ship and date of launching

Gross tonnage and full speed of vessel

I hereby certify that the above named vessel, the -----, has conformed to all the Laws and Rules for the Encouragement of Navigation. This certificate shall be good until --------.

(Signed) ---------

Date,---- Minister of Communications

Form No. 6) Minute statement of the voyage of the ----

Date-------, place of departure--------,

place of arrival--------, place of anchorage-----

number of knots, --------- amount of bonus ------

remarks ----------, totals---------

I hereby certify etc., etc.,

(Signed) ----------

Owner

Note.- Under remarks shall be entered the number and kind of passengers and cargo carried from the various ports, and the amounts received for the same.

Form No. 5) Application for Bonus for the Encouragement of Navigation.

(When the voyage extends over two fiscal years application shall be made for each separately).

Amount of bonus for the encouragement of navigation for ---- knots, Yen, ----------(at ----Sen, ----Rin per one ton, 1000 knots)

When, owing to the age of the vessel, it shall be necessary to make a reduction from the amount of the bonus in accordance with Article V, Clause 2, of the Law for the Encouragement of Navigatón, the following form shall be used:

Amount of bonus for the encouragement of navigation from----- to ------, 189-, (at --- sen, ---rin perton , 1000 knots,) for ----- knots,

Yen -------

Same as above

Yen -------

I desire to receive a bonus for the encouragement of navigation for the ship------, leaving--------(name of port, district and country) via --------on date-----, arriving at ---------- on date----------; and I herewith enclose a detailed statement of the voyage , with the daily records and certified documents.

(Signed) ----------

Date.---- Owner of Vessel.

To the Minister of Communications.

Correct Translation

R. A. Miller

U. S. Interpreter of Legation.

DIPLOMATIC
OCT 26 1896
BUREAU.

ASSISTANT SECRETARY
OCT 26 1896
DEPARTMENT OF STATE.

No. 417.

DIPLOMATIC BUREAU
RECVD.
OCT 24 1896
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokio, Japan, October 1, 1896.

Mr. Dun,

to the Secretary of State.

Ans'd Oct. 27.

Subject:

The formation of a new Cabinet.

No. 417.

LEGATION OF THE UNITED STATES,
Tokio, Japan, October I, 1896.

Honorable Richard Olney,
Secretary of State,
Washington.

Sir:-

I have the honor to inform you that a new Cabinet has at length been formed, consisting of the following members:

Count Matsukata,	Minister President and Minister of Finance.
Count Okuma,	Minister for Foreign Affairs.
Viscount Enomoto,	Minister of Agriculture and Commerce.
Viscount Nomura,	Minister of Communications.
Mr. Kioura Keigo,	Minister of Justice.
Marquis Hachisuka,	Minister of Education
Marquis Saigo,	Minister of Marine
Viscount Takashima,	Minister of War and Colonization

I have the honor to be,
Sir,
Your obedient servant,

Edwin Dun

No. 418.

LEGATION OF THE UNITED STATES,

Tokio, Japan, October 1, 1896.

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Mr. Dun,

to the Secretary of State.

Subject:

Enclosing communication to the Acting Attorney-General of the United States.

No. 418.

LEGATION OF THE UNITED STATES,
Tokio, Japan, October I, 1896.

Honorable Richard Olney,
Secretary of State,
Washington.

Sir:-

I have the the honor to send herewith an unsealed communication addressed to the Acting Attorney-General of the United States, and to request that it may be forwarded to the Department of Justice.

I have the honor to be,
Sir,
Your obedient servant,

Edwin Dun

Enclosure:
Communication as above.

Copy.

No. 255.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 30, 1896.

Honorable Holmes Conrad,

Acting Attorney General,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your letter dated August 7, 1896, enclosing copy of a petition for the pardon of one John Thomas Bush, and other papers in the case that have been filed in the Department of Justice.

In the memorandum in support of the application for pardon, under "statement of the case," next to last paragraph, Mr Henry Davis says the prisoner was convicted by a bare majority of the Court, and that a change of one vote would have acquited him. This is not correct. The Consul gives judgment in all cases. If all the associates concur, judgment is final, except in capital cases. If any of the associates dif-

fer in opinion from the Consul, the case, without further proceedings, together with the evidence and opinions, shall be referred to the Minister for his adjudication, etc., etc., etc. (See R. S. Sec. 4106.)

I beg to submit the following comments upon Mr Davis' "Review of the Trial."

1." The Constitution of the Court."

The four Associates who assisted Consul Abercrombie in the trial were drawn from a list of American citizens of good repute, that had been previously submitted to and approved by me, as the records of this Legation show. The requirements of Section 4106 R.S. in thisnregard were complied with in every respect.

2. "Accusation and Notice of Trial."

The practice in the Consular Courts in Japan is to try on complaint. There is no indictment, a certified copy of the complaint being served on the prisoner immediately upon his arrest. Defect in form only of an indictment would hardly render it insufficient under the laws of the United

States. (R. S. Sec. 10, 1025.)

The complaint charges Bush with murder, which, in criminal law, must be both wilful and felonious killing.

3. "The Conduct of the Trial."

(a) The Japanese witnesses were cautioned to tell the truth and the testimony of each witness was taken down in writing and signed. False testimony would, I am informed, under Japanese law, be perjury.

Testimony of Japanese witnesses is not given the same weight in the Consular Courts as testimony received under the sanction of a solemn oath. It s weight depends upon its corroboration by the testimony of other witnesses.

As to the services of list of witnesses, the record in the Kernan case, which was the last trial in the Consulate General Court at Kanagawa on a capital charge, shows that, as soon as the counsel for the defense was retained, he addressed a note to the prosecuting attorney, requesting a list of the witnesses which would be presented for the prosecution,

and this list was furnished to him as soon as it was complete. I am informed that later two witnesses were added by the prosecution, but this was done upon consent and waiver on the part of the defense. However, in the "Regulations for the Consular Courts of the United States of America in Japan, 1870," it is not required that the defendant shall be notified of the names and residences of the witnesses to be produced against him. It is not clear that Section 1033 R. S. applies to extraterritorial courts in Japan.

(b) The interprter was an officer of the Court, and, as such, must have been properly sworn before entering upon the duties of his office.

(c) I refrain from comment upon this point, leaving it to the better judgment of the Department of Justice.

(d) The accused's counsel was relieved, with the assent and approval of all the associates. I have information leads me to believe that that, under the head of "other objectionable conduct," the action of the Court was, in this regard, quite proper.

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(b) The interprter was an officer of the Court, and, as such, must have been properly sworn before entering upon the duties of his office.

(c) I refrain from comment upon this point, leaving it to the better judgment of the Department of Justice.

(d) The accused's counsel was relieved, with the assent and approval of all the associates. I have information leads me to believe that
that, under the head of "other objectionable conduct," the action of the Court was, in this regard, quite proper.

(e) The prisoner should have been informed by the Court of his right to testify on his own behalf before the trial was proceeded with. It seems from the record that he was not so informed.

I refrain from commenting upon Mr Davis' review of the testimony of the case. There can be no doubt that Kammimura Kuanjiro came to his death from wounds inflicted by the prisoner. In fact, Bush, in his letter to his brother, admits the killing, but claims that it was accidental. The nature of the wounds inflicted preclude, in my mind, the possibility of their having been accidental or unintentionally inflicted.

Therefore, in my judgment, it only remains to determine from the testimony of the witnesses for the prosecution and defense, whether, or not, the killing was justifable. To my mind, it appears quite clear that the killing was not justifable, and that the judgment of the Court finding Bush guilty of manslaughter was a correct judgment, and that the sentence of three years imprisonment is not a severe punishment for his

offense. Theprisoner undoubtedly had a right to testify in his own behalf and he was practically deprived of that right by the failure of the Court to inform him of it. It seems to me, however to be in the highest dgree improbable that his case was prejudiced by his failure to testify. Nevertheless, I deem it my duty to call your attention to the "Regulations for Consular Courts of the United States of America in Japan, 1870," Paragraph 13 of Criminal Procedure reads as follows:

" A person charged with crime shall have permission to
" testify on his own behalf and shall be informed of this
" right by the Court before his trial is proceeded with; but
" the refusal of a person so charged to testify shall not
" be construed into being a confession of guilt, or be al-
" lowed to militate against him." The record of the trial of Bush does not show that this requirement was complied with.

The papers in the case I have the honor to return herewith.

I have the honor to be, Sir, your obedient servant,

(signed/) EDWIN DUN.

DIPLOMATIC
OCT 26 1896
BUREAU.

No. 419.

LEGATION OF THE UNITED STATES,

Tokio, Japan, October I, 1896.



Ack. Oct. 27/96

Mr. Dun,

to the Secretary of State.

Subject:

Relating to a report on the currency of Japan.

No. 419.

LEGATION OF THE UNITED STATES,
Tokyo, Japan, October 1, 1896.

Honorable Richard Olney,
Secretary of State,
Washington.

Sir:-

Your circular instruction of date July 25 last, requesting me to prepare a report upon the currency of Japan for publication by the Department, was received by me on August 25 last.

I regret to say that I have been unable to obtain sufficient authoritative data upon which the report desired by the Department could be prepared in time for publication on the date-October 1st- named in your instruction.

The information called for under the several headings of your instruction can be obtained in Japan only through application to the different departments of the Government, and, owing to the necessity of having prepared careful translations of all information received, and the time required to get the information itself from Japanese official sources, it would require at least six weeks to prepare the report.

Finding that it would be practically impossible to furnish you with the information called for at an earlier date than sometime in November, I have concluded

that

that , at that late date, the report would not contribute to the object the Department has in view. If, however, the information is still desired, I shall be glad to furnish it upon receipt of your instruction to that effect.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
NOV 4 1896
BUREAU.

#



LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 7, 1896.

To Pleas
Nov 4, 96
Received from
Nov 6, 96

Mr. Miller

to the Secretary of State.

Subject:

Sails from Yokohama on leave of absence October 9, 1896.

#

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 7, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that in accordance with your instruction of May 8th, last, granting me leave of absence for sixty days with permission to visit the United States, I purpose, with Minister Dun's approval, to sail from Yokohama for America on the 9th instant.

I further have the honor to request that, if possible and convenient, instructions may be issued to the Customs authorities at New York City to admit free of duty and without inspection, two or three cases containing my personal effects.

I have the honor to be,

Sir,

Your obedient servant,

R. R. Miller

Interpreter of Legation.

RECEIVED
NOV 4 1896
BUR. ACCOUNTS. DEP. OF STATE.

ASSISTANT SECRETARY
NOV 3 1896
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
NOV 2 1896
DEPT. OF STATE

No. 420.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 9, 1896.

DIPLOMATIC
NOV 5 1896
BUREAU.

Mr Bragaja
Sent to Treasury
Nov. 6.

Mr. Dun

to the Secretary of State.

Subject:

Provision for Repairs and Maintenance of Legation Premises

No. 420.

LEGATION OF THE UNITED STATES?

Tokyo, Japan, October 9, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

Since my return from the United States, I have deemed it expedient to make an expenditure of about one hundred and fifty dollars for repairs and improvements in the Legation buildings and grounds. This I have done on my own responsibility and, of course, unless authorized by you to do so, cannot draw upon the Government for the outlay.

As expenditure for repairs will be, from time to time, found necessary to preserve the Government property and keep the premises in fitting order and repair, I have the honor to suggest that some provision may be made to meet the requirements of the case. In my opinion, five or six hundred dollars per annum would be sufficient to cover all ordinary expenditure for the purposeindicated.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Answered

DIPLOMATIC
NOV 14 1896
No. 42 BUREAU.

2D ASSISTANT SECRETARY.
Usual course.
Add to file.
NOV 14 1896

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 19, 1896.

RECD. NOV 14 1896 DEPT. OF STATE

PASSPORT DIV. NOV 17 1896 DEPT. OF STATE

copy fld

Mr. Dun

to the Secretary of State.

Subject:

Regulations governing the use of passports in Japan.

Brussels

DIPLOMATIC
NOV 14 1896
No. 42 BUREAU.

2D ASSISTANT SECRETARY.
Usual course.
Ack & file.
NOV 14 1896

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 19, 1896.

RECEIVED
NOV 14 1896
DEPT. OF STATE

PASSPORT DIV.
NOV 17 1896
DEPT. OF STATE

copy file

Mr. Dun

to the Secretary of State.

Subject:

. Regulations governing the use of passports in Japan.

No. 421.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 19, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the Department's circular instruction of September 1, 1896, relative to the use of passports in foreign countries, and to answer seriatim the interrogatories therein contained.

1.- No.

2.- No laws or regulations.

3.- No laws or regulations.

Imay add that foreigners desiring to travel or reside in Japan outside the limits of the treaty ports are required to secure permission , in the shape of a passport or permit, from the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

2D ASSISTANT SECRETARY.
Ack & file. aab
NOV 14 1896

No. 422

LEGATION OF THE UNITED STATES,

RECEIVED
NOV 14 1896
DEPT. OF STATE

Tokyo, Japan, October 19, 1896.

Acknd. Nov. 16.

Mr. Dun

to the Secretary of State.

Subject:-

Policy of the new Cabinet.

No. 422.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 19, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith a clipping from the "Japan Mail" of the 13th instant, giving the translation of a speech delivered by Count Matsukata at a meeting of the Prefectural Governors held in Tokyo, in which the Premier outlines the policy to be pursued by the newly formed Cabinet.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:-

Clipping from "Japan Mail".

Enclosure with Mr. Lowe's No. 422.

The Japan Daily Mail.

YOKOHAMA, TUESDAY, OCTOBER 13, 1896.

THE PREMIER'S SPEECH.

The "policy" of the new Ministry was announced on Monday by the Minister President of State. From 8 a.m. Mr. Takahashi, Chief Secretary of the Cabinet, the private secretaries, and other officials of the Cabinet attended at the official residence of the Premier, to make arrangements for the meeting of the day. From half-past 9 a.m. the Local Governors, with the sole exception of the Governor of Okinawa, began to arrive, and at 11.30 a.m. all the Ministers of State, as well as various high officials of the Department of Home Affairs, drove up. Count Kuroda, the President of the Privy Council, was prevented by illness from attending. At 40 minutes past 11 the Minister President addressed the assembly as follows:—

GENTLEMEN,—In obedience to the gracious commands of His Majesty, I have undertaken the grave responsibility of directing the Administration. Various important undertakings, necessary in the sequel of the war, having been barely initiated, and everything being still at the stage of inception, the time is one of extraordinary difficulty. Under the circumstances, proper courses have to be chosen, with due consideration for domestic conditions and the trend of public opinion, on the one hand, and with careful attention to the affairs of the outside world, on the other. Assuming, as I do, the discharge of these onerous functions without any special ability on my own part, I am not without fear lest I prove myself unequal to the occasion. But I am at least determined to endeavour to perform my duties with all sincerity, and, by exerting myself to the utmost of my ability, to fulfil, on the one hand, the grave office of advising and assisting the Emperor, and, on the other, to secure the hearty support of the Imperial Diet, to the end that, by bringing about cordial unity between rulers and ruled, the weighty responsibility that my position involves towards the Sovereign in the administration of the affairs of His Majesty's realm, may be successfully discharged.

The country's relations with foreign Powers are as friendly as ever, and the Government, while striving to promote still further those relations of cordiality, will endeavour to take steps calculated to assert the rights of the Empire and to expand its commerce, to which end all diligence will be used to speedily revise such of the Treaties as have not yet undergone that process. At the same time, the utmost care will be exercised in completing the arrangements for the enforcement of the revised Treaties, so that the fruits justly accruing under the new system may be fully gathered.

Armaments essential to the defence of the country must be expanded as far as the national resources warrant without producing disorder in the finances of the State, while, with the object of promoting permanently the prosperity and power of the realm, steps must be taken to develop education, industry, and commerce, these being the sources and foundations of national greatness. Hence the Government intends to direct its policy along the routes of encouraging education and business enterprise, simultaneously with the expansion of the national armaments.

The rights of freedom of speech, of the pen, and of public meeting, which the people are entitled to enjoy in virtue of the Constitution, will be treated with profound respect by the Government, and efforts will be made to safeguard their enjoyment.

An important desideratum in conducting administrative affairs is to abolish profusion of documents, so as to promote simplicity and promptitude; and, by fostering a spirit of cōoperation among functionaries, to maintain smooth relations among the respective Departments. No less important is it, if practical benefit is to result from the administration of affairs, that the greatest discretion be exercised in appointing and promoting officials; that merits and demerits be publicly recognized, and that the gates of officialdom be thrown open to men of ability without distinction of person. The Government will pay close attention to those points, and will endeavour to improve the conduct of administrative business.

The character and conduct of Government functionaries bear no small relation to the moral condition of the public at large, and the Government perceives a special necessity at the present time to maintain official discipline with all strictness.

The adjustment of the national finances is a matter that demands the Government's most careful attention. The Government will, therefore, formulate, in strict conformity with available resources, measures adapted to the requirements of the time, and will aim at preserving equilibrium between receipts and expenditures. On the other hand, every effort will be made to ensure that the progress and expansion of affairs pertaining to national economy shall not lag behind the general development of the nation's resources.

The consummation of various post-bellum measures is still far distant; the balance of trade is steadily against the country, and calamity has followed calamity in such rapid sequence that the lives and property of the people have suffered to an extent unprecedented for several decades. At such a juncture, to strive after the attainment of national greatness is a task of exceptional difficulty, and it is evident that unless the work be undertaken by rulers and ruled in firm and cordial union, by Government and people in the heartiest cōoperation, success can not be anticipated.

Gentlemen, I earnestly hope that you will always keep these points in view, and will energetically endeavour, in accordance with the policy I have now unfolded, to satisfactorily conduct local administrative affairs, so that the structure of national greatness may be firmly erected on extended foundations.

As yet, the vernacular press has not had time to comment largely upon the above. The *Asahi Shimbun* justly remarks that so frank a declaration of policy was never before made by an incoming Cabinet, and that the honour of initiating a signally new departure—the taking of the nation into their confidence—belongs to the Matsukata Ministry.

In the *Hochi* we read that the deliberations preliminary to composing the Prime Minister's declaration occupied the Cabinet from 4 p.m. until midnight on Saturday, from which it may be inferred that varying views had to be reconciled.

DIPLOMATIC
NOV 14 1896
BUREAU.

No. 423.



Legation of the United States,
Tokyo, Japan, October 19, 1896.

Rec'd Nov. 16.

Mr. Dun

to the Secretary of State.



Sent 7 N. 1892 to Mr. Lee, Yokohama. Desp.

Subject:-

Request for Foreign Relations for 1892.

No. 423.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 19, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to request that there may be forwarded to me one copy of the "Foreign Relations of the United States, 1892" which I have been requested to obtain for the use of the Department of Agriculture and Commerce of the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

ASSISTANT SECRETARY
NOV 30 1896
DEPARTMENT OF STATE
DIPLOMATIC
DEC 1 1896
BUREAU.

No. 424.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 6, 1896.

INDEX BUREAU
RECD.
NOV 30 1896
DEPT. OF STATE

Mr. Dun

to the Secretary of State.

Subject:

Report on J apanese Currency.

No. 424.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 6, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt, on the 28th ultimo, of your telegraphic instruction of date October 27th, last, directing me to "send currency "report called for July 25th."

I had hoped to have the report in question ready to send by the mail leaving Yokohama to-morrow morning, the 7th instant, but have found it practically impossible to do so. I shall, however, send it to you b y the mail advertised to leave Yokohama for San Francisco on the 15th instant.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Japan

UNITED STATES LEGATION.
TOKIO.

DIPLOMATIC BUREAU
RECD. NOV 11 1896
DEPT. OF STATE

Ithaca, N.Y., November 1896.

2D ASSISTANT SECRETARY
Ack & file.
NOV 11 1896

Honorable Richard Olney,
Secretary of State,
Washington.-

Ackd. Nov. 12.

Sir:-

I have the honor to inform you that, having left Japan on the 9th of October last, I arrived at my home in Ithaca, N.Y., on the 3rd instant. It was my intention to reach Washington to-day but I am unavoidably detained for a few days longer by sickness in my family.

I have the honor to be

Sir,

Your obedient servant,

R.S. Miller.

Interpreter of Legation

Sent with
together with
of the 14th

COPIED FOR

TELEGRAM RECEIVED

Cipher

DIPLOMATIC BUREAU. NOV 14 1896

ASSISTANT SECRETARY'S

NOV 14 1896

DEPARTMENT OF STATE

From Tokyo

Confirmation

Olney

November 13, 1896.

Received Nov. 14, 9.12 A.M.

Washington

November thirteenth. Ratifications will be exchanged of the treaty between Germany Japan on the eighteenth instant, on which date seventeenth article of the treaty is to take effect. See my despatch No 410. I am informed officially Government of Japan is willing to put into operation simultaneously sixteenth article of the new treaty with the United States. Japanese Government suggests that Article XVIII of that treaty, as far as it relates to Patent and Trade Mark Laws of Japan, be brought into operation at the same time; but, if this is objectionable to the Government of the United States, they will expect Courts of the United States in Japan to enforce those laws. Is it necessary to conclude formal Trade-Marks Convention? If so, will you authorize me to negotiate on one or the other proposal

Dun

PLOMATIC
C 7 1896
UREAU.

INDEX BUREAU
RECD.
DEC 5 1896
DEPT OF STATE

DEPARTMENT OF STATE

Acted appreciated Dec 8.1896. Rida

DIPLOMATIC
DEC 7 1896
BUREAU.

NO. 425.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 14, 1896.

Mr. Dun

tothe Secretary of State.

Subject:

A Report On The Currency Of Japan.

Copy of enclosed note to Japanese min. ✓ Dec 9/1896.





DIPLOMATIC
DEC 9 1896
BUREAU.

No. 426.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 14, 1896.

14-96

See Instruction No 382 Jan. 21/97.

Mr. Dun

to the Secretary of State.

Subject:

Japan's Propositions in regard to the extension of her Patent and Trad

Trade-mark Laws.

NO. 426

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 14, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith copy of a note, dated the 12th instant, from Count Okuma, H. I. J. MRs Minister for Foreign Affairs, in which I am informed that the ratifications of the treaty recently concluded between Japan and Germany will be exchanged in Berlin on the 18th instant, and that the article of that treaty providing for reciprocal national treatment in the matter of protection of industrial property shall come into operation at the same time as such exchange is effected.

As you will observe, Count Okuma says in his note that, in view of the friendly and conciliatory spirit in which the United States Government met the proposals of his Government looking to the revision of the existing treaties between the respective countries, his Government are especially desirous of avoiding everything having the appearance of a desire on their part to discriminate against citizens of the United States

in the matter of the protection of industrial property, and that, therefore, his Government will be happy to consult entirely the wishes of the Government of the United States with reference to bringing into operation Article XVI of the new treaty between the United States and Japan at any time after the exchange of the ratifications of the new treaty between Japan and Germany has been effected.

If the proposal of the Japanese Government to bring into immediate operation Article XVI of our treaty with Japan proves acceptable to the United States, the Minister for Foreign Affairs suggests, in view of the justice of the proposition that those who are entitled to the benefits of a law should rest under obligations to obey its provisions, that those stipulations of Article XVIII of the new treaty, so far as questions relating to the protection of industrial property under the laws of Japan are concerned, shall be brought into operation simultaneously with Article XVI. If, however, this suggestion shall not be acceptable to the United States, Count Okuma expresses the belief that the United States will be prepared to undertake that the industrial property laws of Japan shall, during the time the new treaty remains in abeyance, be enforced by the United States courts in Japan.

This proposal of the Japanese Government is, in my opinion,

of so much importance to citizens of the United States that I deemed it necessary to telegraph to you on the 13th instant the substance of Count Okuma's note and, in order that our countrymen might, at the earliest time possible, be placed on an equal footing with the peoples of other countries in the enjoyment of protection of their industrial property in Japan, I suggested that I be empowered to conclude a convention with Japan to that end.

Since my despatch No. 410, of date September 14 last, was written, I have received the "Foreign Relations, Part II, 1895", and have read the correspondence between the Department and Mr. Alexander, our Minister at Athens, upon the subject of trade-marks etc., and conclude from the ruling announced in Mr. Gresham's instruction to Mr. Alexander, No. 43 of February 21, 1895, confirmed by ywur instruction No. 75 of November 9, 1896, that a formal convention will be necessary to bring Article XVI of our new treaty with Japan into operation.

I am informed by Baron von Gutschmid, the German Minister at this Court, that no definite understanding or arrangement has been reached between his Government and that of Japan in regard to the enforced observance by German subjects of Japan's industrial property laws. The German courts will continue to exercise jurisdiction over German subjects in cases of infringement of those laws as well as in all other matters, and it seems that the penalties to be imposed for the violation of those laws will be

entirely

entirely within the province of the German courts to determine.

If a convention for the protection of industrial property be concluded between the United States and Japan, I am of the opinion, for many reasons which will doubtless occur to you, that jurisdiction over American citizens in all questions pertaining thereto should remain in the United States courts in Japan until the new treaty comes into force and extra-territoriality is abolished. At the same time, I concur in Count Okuma's proposition "that those who are entitled tothe benefits of a law should themselves rest under obligations to obey its provisions", and. therefore, it seems to me but just that the United States should undertake through her courts to enforce in every particular the industrial property laws of Japan, so long as her citizens enjoying the benefitsof those laws are subject only to our jurisdiction.

Awaiting your instructions in this matter,

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

Count Okuma to Mr. Dun, Nov.12, 1896,(copy).

Enclosure with Mr. Dun's NO. 426.

(Copy.)

Translation.

NO. 9. Department of Foreign Affairs,

Tokio, the 12th day, the 11th month,

the 29th year of Meiji.

(November 12th, 1896.

His Excellency

Edwin Dun,

etc., etc., etc.

SIR:-

The Treaty of Commerce and Navigation recently concluded between Japan and Germany, the ratifications of which are to be exchanged at Berlin on the 18th instant, provides that the Article reciprocally guaranteeing national treatment in the matter of the protection of Industrial Property, shall come into operation at the same time as such exchange is effected.

The stipulation bearing upon the same subject which appears in the Treaty of the 22nd day of the 11th month of the 27th year of Meiji between Japan and the United States, is, like all the other provisions of that compact, as Your Excellency is well aware, expressly eventual. In view, however, of the friendly and conciliatory spirit in which the United States Government met the proposals of His Imperial

Majesty's Governmenh looking to the revision of the existing Treatier between our respective countries, the Imperial Govhrnment are especially anxious to avoid everything having the appearance of a desire on their part to discriminate against the United States citizens in the matter of the protection of Industrial Property.

Accordingly I have the honor to acquaint Your Excellency that the Imperial Government will be happy to consult entirely the wishes of the United States Government with reference to bringing into operation Article XVI of the new Treaty between Japan and the United States at any time after the exchange of the ratifications of the new Treaty between Japan and Germany has been effected. If this proposal proves acceptable to your Excellency's Government, I trust that the United States Government fully recognizing the justice of the proposition that those who are entitled to the benefits of a law should themselves rest under obligation to obey its provisions, will agree that those stipulations of Article XVIII of the new Treaty which provide for the ultimate restoration of jurisdiction to Japan so far as questions relating to the protection of Industrial Property under the laws of Japan are concerned, be brought into force contemporaneously with Article XVI. In the event, however, the United States Government should find insuperable objections to the foregoing suggestion, I do not permit myself to doubt but that they will be prepared to undertake that the Industrial Property Laws of Japan shall, during the time the new Treaty remains in abeyance,

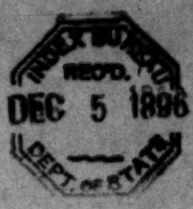
be enforced by the United States courts in Japan.

Placing myself entirely at Your Excellency's disposal in the matter of concerting the necessary understanding on the subject, in case the proposal of the Imperial Government finds favor with the United States Government I beg, to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Count Okuma Shigenobu,

Minister for Foreign Affairs.

Ltr



No. 427.

Legation of the United States.

Tokyo, Japan, November 15, 1896.

Mr. Dun

to the Secretary of State.

Subject:

Reading of telegram of the thirteenth instant.

No. 427.

Legation of the United States.

Tokyo, Japan, November 15, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honour to enclose herewith the reading of my telegram of the thirteenth instant.

I have the honour to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Reading of telegram as above.

Enclosure with Mr. Dun's No.427.

" Olney,Washington,November thirteenth.

"The ratifications will be exchanged of the treaty be-
"tween Germany and Japan on the eighteenth instant on
"which date seventeenth article of the treaty is to take
"effect;see my despatch No.410. I am informed officially
"Government of Japan is willing to put into operation
"simultaneously sixteenth article of the new treaty with
"the United States. Japanese Government suggests that
"article eighteen of that treaty as far as it relates to
"patent and trade mark laws of Japan,be brought into oper-
"ation at the same time,but if this is objectionable to
"the Government of the United States,they will expect
"Courts of the United States in Japan to enforce those
"laws. Is it necessary to conclude formal trade-marks
"convention? If so will you authorize me to negotiate
"on one or the other proposal?

Dun."

Vol. Fo Leg Nr. 1896
Cases Nr. 1896

DIPLOMATIC
NOV 25 1896
BUREAU.

ASSISTANT SECRETARY
NOV 21 1896
DEPARTMENT OF STATE.

TELEGRAM RECEIVED. Cipher

From Tokyo

November 19, 1896.

Received Nov 20, 10.18 P.M.

Olney
Washington.

Acknd Dec 1.

November nineteenth. Japanese Minister for Foreign affairs wishes to know if the Government of the United States has insuperable objections to surrendering jurisdiction over American matters pertaining to Article XVI of the new Treaty. He desires this to satisfy public opinion more than on practical grounds and is very anxious that the United States will consent. Moreover he thinks consent of the United States will influence other Powers to agree to it. This is a request and in no sense a demand.

Dun

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ASSISTANT SECRETARY
DEC 16 1896
DEPARTMENT OF STATE.

No. 428.

Legation of the United States.

Tokyo, Japan, November 23, 1896.

Mr. Dun

to the Secretary of State.

Subject:

Reading of two telegrams.

No. 428.

Legation of the United States.

Tokyo, Japan, November 23, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir,

I have the honor to enclose the reading of your telegram of the 14th. instant, and that of my telegram of the 19th. instant.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

Reading of two telegrams as above.

Enclosure with Mr. Dun's No. 428.

Olney, Washington, November nineteenth.

Japanese Minister for Foreign Affairs wishes to know if the Government of the United States has insuperable objections to surrendering jurisdiction over Americans in all matters pertaining to article sixteen of the new treaty; he desires this to satisfy public opinion more than on practical grounds, and is very anxious that the United States will consent. Moreover he thinks the consent of the United States will influence other powers to agree to it. This is a request and in no sense a demand.

Dun.

Enclosure with Mr. Dun's No. 428.

Washington, Nov. 14. 1896.

Dun, Minister, Tokio.

Your wire thirteenth instant received; negotiate trade-marks convention putting in force article sixteen of the new treaty same to be enforced by courts of the United States in Japan.

Olney.

DIPLOMATIC
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No. 429.

LEGATION OF THE UNITED STATES.

Tokyo, Japan, November 23, 1896.

Secretary of State
DEC 16 1896

Mr. Dun

to the Secretary of State.

Subject:

Jurisdiction over American citizens in administration of Japan's Industrial Property Laws.

DIPLOMATIC
DEC 16 1896
BUREAU

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ASSISTANT SECRETARY DEC 16 1896 DEPARTMENT OF STATE

No. 429.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 25, 1896.

Secretary of State DEC 16 1896

Mr. Dun

to the Secretary of State.

Subject:

Jurisdiction over American citizens in administration of Japan's Industrial Property Laws.

No. 429

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 23, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

Upon the receipt of your telegraphic instruction dated the 14th instant, directing me to negotiate a convention putting into force Article XVI of our new Treaty with Japan, our Government undertaking to enforce the same through her courts in Japan, I at once repaired to the Foreign Office here and, in the absence of Count Okuma, left a copy of the reading of your telegram with Mr. Komura, Vice Minister for Foreign Affairs and discussed with him the form of convention or agreement between our respective Governments that would meet with the requirements of and carry out in the most expeditious manner your instruction to me in the premises. Mr. Komuraproposed, and I agreed that the arrangement should be in the form of a protocol or declaration, subject to approval by the President with the advice of the Senate, bringing into immediate operation Article XVI of the new Treaty.

On the 19th instant, I had a interview with Count Okuma, Minister for Foreign Affairs, in regard to the matter. He said that before concluding the arrangement proposed, he was most anxious to

to ascertain if my Government would, in a spirit of friendship and concession to Japan, be willing to surrender to Japanese courts jurisdiction over Americans in all matters pertaining to Article XVI of the new Treaty. He said he intended making the same request of other Powers and that the consent of the United States would greatly strengthen his position in such negotiations; that from a practical point of view he did not attach much importance to the concession requested, for he believed it extremely unlikely that a case of infringement of Japan's industrial laws by an American would ever occur, but that he desired the concession for domestic political purposes, to satisfy in some degree a sentimental desire among the people for recognition of Japan's judicial autonomy. In reply to the Minister, I reminded him that in his note of date the 12th instant he had already suggested to my Government this partial surrender of jurisdiction, but in the event of its being objectionable to the United States, he expressed the expectation that Japan's industrial laws would be enforced by our courts; that my Government had signified their preference for the latter alternative and I did not know if they would now feel disposed to accept the former. I also informed the Minister that I was not certain that the United States could surrender any part of their jurisdiction in Japan except by Act of Congress, and, if such were the case, I did not think that the situation in regard to this matter justified special legislation. I agreed with the Minister that the question of jurisdiction was of little practical importance, but as a question of principle it was,

i

in my opinion, preferable that Americans should be subject to the jurisdiction of United States courts in all matters until extra-territoriality was abolished; that while I did not consider the question involved in the Minister's request one of vital or even very great importance so far as the interests of American citizens were concerned, I could not, for the reasons stated, concur in the wisdom of Count Okuma's request of my Government, I would, however, if he still wished me to do so, telegraph to you the substance of the request he desired to make of my Government, and in consequence of his earnestly expressed request, I sent you my telegram of the 19th instant.

I have learned that since Count Okuma's note of the 12th instant was written, (enclosure with my despatch No. 426 of the 14th instant), that telegraphic information has been received at the Foreign Office of the conclusion of Japan's treaty with Switzerland, in which jurisdiction over Swiss citizens in matters pertaining to patents, trade marks and designs is surrendered to Japan immediately upon the article in that treaty corresponding to Article XVI in our own coming into operation. It has also been stated to me by good authority that Sir Ernest Satow, the British Minister at this Court, has advised Count Okuma that his Govesnment would, in his opinion, have no great objection to the assumption by Japan of jurisdiction over British subjects in the enforcement of her laws for the protection of industrial property, and that he has communicated with his Government advising this course. It is very possible that the action of Switzerland and

of the British Minister here may account for Count Okuma's change of front since his note of the 12th instant was written.

Before my interview of the 19th instant with Count Okuma, I had hoped to have ready for transmission by this mail the protocol securing to our citizens equal protection with the subjects of Germany and regret exceedingly that this unexpected delay has occurred.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

INDEXED DEC 28 1896 DEPT OF STATE
Catalogued in Library Dec. 30 1896
ASSISTANT SECRETARY DEC 29 1896 DEPARTMENT OF STATE.

File

No. 430.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 2, 1896.

Mr. Dun

to the Secretary of State.

Subject:

Treaty of Commerce and Navigation between Japan and China.

No. 430.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 2, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith a printed copy of the "Treaty of Commerce and Navigation" recently concluded between Japan and China. Owing to the limited number of copies of this document, I have been able to obtain but one for transmission to the Department.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure as above.

TREATY OF COMMERCE AND NAVIGATION

BETWEEN

JAPAN AND CHINA.

His Majesty the Emperor of Japan and His Majesty the Emperor of China, having resolved, in pursuance of the provisions of Article VI of the Treaty signed at Shimonoseki, on the 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsü, to conclude a Treaty of Commerce and Navigation, have for that purpose, named as Their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Baron Hayashi Tadasu, Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary; and His Majesty the Emperor of China, Chang Yen Hoon, Minister Plenipotentiary, Minister of the Tsungli-ya-men, Holding the rank of the President of a Board and Senior Vice President of the Board of Revenue;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:

ARTICLE I.

There shall be perpetual peace and friendship between His Majesty the Emperor of Japan and His Majesty the Emperor of China, and between their respective subjects who shall enjoy equally in the respective countries of the High Contracting Parties full and entire protection for their persons and property.

ARTICLE II.

It is agreed by the High Contracting Parties that His Majesty the Emperor of Japan may, if he see fit, accredit a Diplomatic Agent to the Court of Peking and His Majesty the Emperor of China may, if he see fit, accredit a Diplomatic Agent to the Court of Tokio.

The Diplomatic Agents thus accredited shall respectively enjoy all the prerogatives, privileges and immunities accorded by international law to such Agents and they shall also in all respects be entitled to the treatment extended to similar Agents of the most favored nation.

Their persons, families, suites, establishments, residences and correspondence shall be held inviolable. They shall be at liberty to select and appoint their own officers, couriers, interpreters, servants and attendants without any kind of molestation.

ARTICLE III.

His Majesty the Emperor of Japan may appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at such of the ports, cities and towns of China which are now or may hereafter be opened to foreign residence and trade, as the interests of the Empire of Japan may require.

These officers shall be treated with due respect by the Chinese Authorities, and they shall enjoy all the attributes, authority, jurisdiction, privileges and immunities which are or may hereafter be extended to similar officers of the nation most favored in these respects.

His Majesty the Emperor of China may likewise appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside at any or all of those places in Japan where Consular officers of other nations are now or may hereafter be admitted, and, saving in the matter of jurisdiction in respect of Chinese subjects and property in Japan which is reserved to the Japanese Judicial Courts, they shall enjoy the rights and privileges that are usually accorded to such officers.

ARTICLE IV.

Japanese subjects may, with their families, employés and servants, frequent, reside and carry on trade, industries and manufactures or pursue any other lawful avocations in all the ports, cities and towns of China, which are now or may hereafter be opened to foreign residence

and trade. They are at liberty to proceed to or from any of the open ports with their merchandise and effects and within the localities at those places which have already been or may hereafter be set apart for the use and occupation of foreigners, they are allowed to rent or purchase houses, rent or lease land and to build churches, cemeteries and hospitals, enjoying in all respects the same privileges and immunities as are now or may hereafter be granted to the subjects or citizens of the most favored nation.

ARTICLE V.

Japanese vessels may touch for the purpose of landing and shipping passengers and merchandise in accordance with the existing Rules and Regulations concerning foreign trade there, at all those places in China which are now ports of call, namely, Ngan-ching, Ta-tung, Hu-kow, Wu-sueh, Lu-chi-kow and Woosung and such other places as may hereafter be made ports of call also. If any vessel should unlawfully enter ports other than open ports and ports of call in China or carry on clandestine trade along the coast or rivers, the vessel with her cargo shall be subject to confiscation by the Chinese Government.

ARTICLE VI.

Japanese subjects may travel, for their pleasure or for purposes of trade, to all parts of the interior of China, under passports issued by Japanese Consuls and countersigned by the Local Authorities. These passports, if demanded, must be produced for examination in the localities passed through. If the passports be not irregular, the bearers will be allowed to proceed and no opposition shall be offered to their hiring of persons, animals, carts or vessels for their own conveyance or for the carriage of their personal effects or merchandise. If they be without passports or if they commit any offence against the law, they shall be handed over to the nearest Consul for punishment, but they shall only be subject to necessary restraint and in no case to ill-usage. Such passports shall remain in force for a period of thirteen Chinese months from the date of issue. Any Japanese subject travelling in the interior without a passport shall be liable to a fine not exceeding three hundred Taels. Japanese subjects may, however, without passports go on excursions from any of the ports open to trade, to a distance not exceeding one hundred Chinese *li* and for a period not exceeding five days. The provisions of this Article do not apply to crews of ships.

ARTICLE VII.

Japanese subjects residing in the open ports of China, may take into their service Chinese subjects and employ them in any lawful capacity without restraint or hindrance from the Chinese Government or Authorities.

ARTICLE VIII.

Japanese subjects may hire whatever boats they please for the conveyance of cargo or passengers and the sum to be paid for such boats shall be settled between the parties themselves, without the interference of the Chinese Government or officers. No limit shall be put upon the number of boats, neither shall a monopoly in respect either of the boats or of the porters or coolies engaged in carrying goods, be granted to any parties. If any smuggling takes place in them the offenders will of course be punished according to law.

ARTICLE IX.

The Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan, or upon exportation from China by Japanese subjects or to Japan. It is clearly understood that all articles the importation or exportation of which is not expressly limited or

prohibited by the Tariffs and Tariff Rules existing between China and the Western Powers, may be freely imported into and exported from China, subject only to the payment of the stipulated import or export duties. But in no case shall Japanese subjects be called upon to pay in China other or higher import or export duties than are or may be paid by the subjects or citizens of the most favored nation; nor shall any article imported into China from Japan or exported from China to Japan, be charged upon such importation or exportation, other or higher duties than are now or may hereafter be imposed in China on the like article when imported from or exported to the nation most favored in those respects.

ARTICLE X.

All articles duly imported into China by Japanese subjects or from Japan shall while being transported, subject to the existing Regulations, from one open port to another, be wholly exempt from all taxes, imposts, duties, *lekin*, charges and exactions of every nature and kind whatsoever, irrespective of the nationality of the owner or possessor of the articles, or the nationality of the conveyance or vessel in which the transportation is made.

ARTICLE XI.

It shall be at the option of any Japanese subject desiring to convey duly imported articles to an inland market, to clear his goods of all transit duties by payment of a commutation transit tax or duty, equal to one-half of the import duty in respect of dutiable articles, and two and half per-cent. upon the value in respect of duty free articles; and on payment thereof a certificate shall be issued, which shall exempt the goods from all further inland charges whatsoever. It is understood that this Article does not apply to imported opium.

ARTICLE XII.

All Chinese goods and produce purchased by Japanese subjects in China elsewhere than at an open port thereof and intended for export abroad, shall in every part of China be freed from all taxes, imposts, duties, *lekin*, charges and exactions of every nature and kind whatsoever, saving only export duties when exported, upon the payment of a commutation transit tax or duty calculated at the rate mentioned in the last preceding Article substituting export duty for import duty, provided such goods and produce are actually exported to a foreign country within the period of twelve months from the date of the payment of the transit tax; all Chinese goods and produce purchased by Japanese subjects at the open ports of China and of which export to foreign countries is not prohibited shall be exempt from all internal taxes, imposts, duties, *lekin*, charges and exactions of every nature and kind whatsoever, saving only export duties upon exportation and all articles purchased by Japanese subjects in any part of China, may also, for the purposes of export abroad, be transported from open port to open port, subject to the existing Rules and Regulations.

ARTICLE XIII.

Merchandise of a *bona fide* foreign origin, in respect of which full import duty shall have been paid, may at any time within three years from the date of importation, be re-exported from China by Japanese subjects to any foreign country, without the payment of any export duty and the re-exporters shall, in addition, be entitled forthwith to receive from the Chinese Customs drawback certificates for the amount of import duty paid thereon, provided that the merchandise remains intact and unchanged in its original packages. Such drawback certificates shall be immediately redeemable in ready money by the Chinese Customs Authorities at the option of the holders thereof.

ARTICLE XIV.

The Chinese Government consents to the establishment of Bonded Warehouses at the several open ports of China. Regulations on the subject shall be made hereafter.

ARTICLE XV.

Japanese merchant vessels of more than one hundred and fifty tons burden, entering the open ports of China, shall be charged tonnage dues at the rate of four *mace* per registered ton; if of one hundred and fifty tons and under, they shall be charged at the rate of one *mace* per registered ton. But any such vessel taking its departure within forty eight hours after arrival, without breaking bulk, shall be exempt from the payment of tonnage dues.

Japanese vessels having paid the above specified tonnage dues shall thereafter be exempt from all tonnage dues in all the open ports and ports of call of China, for the period of four months from the date of clearance from the port where the payment of such tonnage dues is made. Japanese vessels shall not, however, be required to pay tonnage dues for the period during which they are actually undergoing repairs in China.

No tonnage dues shall be payable on small vessels and boats employed by Japanese subjects in the conveyance of passengers, baggage, letters, or duty free articles between any of the open ports of China. All small vessels and cargo boats, however, conveying merchandise which is, at the time of such conveyance, subject to duty, shall pay tonnage dues once in four months at the rate of one *mace* per ton.

No fee or charges, other than tonnage dues, shall be levied upon Japanese vessels and boats, and it is also understood that such vessels and boats shall not be required to pay other or higher tonnage dues than the vessels and boats of the most favored nation.

ARTICLE XVI.

Any Japanese merchant vessel arriving at an open port of China, shall be at liberty to engage the services of a pilot to take her into port. In like manner, after she has discharged all legal dues and duties and is ready to take her departure, she shall be allowed to employ a pilot to take her out of port.

ARTICLE XVII.

Japanese merchant vessels compelled on account of injury sustained or any other cause, to seek a place of refuge, shall be permitted to enter any nearest port of China, without being subject to the payment of tonnage dues or duties upon goods landed in order that repairs to the vessel may be effected, provided the goods so landed remain under the supervision of the Customs Authorities. Should any such vessel be stranded or wrecked on the coast of China, the Chinese Authorities shall immediately adopt measures for rescuing the passengers and crew and for securing the vessel and cargo. The persons thus saved shall receive friendly treatment, and, if necessary, shall be furnished with means of conveyance to the nearest Consular station. Should any Chinese merchant vessel be compelled on account of injury sustained or any other cause to seek a place of refuge in the nearest port of Japan, she shall likewise be treated in the same way by the Japanese Authorities.

ARTICLE XVIII.

The Chinese Authorities at the several open ports shall adopt such means as they may judge most proper to prevent the revenue suffering from fraud or smuggling.

ARTICLE XIX.

If any Japanese vessel be plundered by Chinese robbers or pirates, it shall be the duty of the Chinese Authorities to use every endeavor to capture and punish the said robbers or pirates and to recover and restore the stolen property.

ARTICLE XX.

Jurisdiction over the persons and property of Japanese subjects in China, is reserved exclusively to the duly authorized Japanese Authorities, who shall hear and determine all cases brought against Japanese subjects or property by Japanese subjects or by the subjects or citizens of any other Power, without the intervention of the Chinese Authorities.

ARTICLE XXI.

If the Chinese Authorities or a Chinese subject make any charge or complaint of a civil nature against Japanese subjects or in respect of Japanese property in China, the case shall be heard and decided by the Japanese Authorities.

In like manner all charges and complaints of a civil nature brought by Japanese Authorities or subjects in China against Chinese subjects or in respect of Chinese property, shall be heard and determined by the Chinese Authorities.

ARTICLE XXII.

Japanese subjects charged with the commission of any crimes or offences in China, shall be tried and if found guilty, punished by the Japanese Authorities according to the laws of Japan.

In like manner Chinese subjects charged with the commission of any crimes or offences against Japanese subjects in China, shall be tried and if found guilty, punished by the Chinese Authorities according to the laws of China.

ARTICLE XXIII.

Should any Chinese subject fail to discharge debts incurred to a Japanese subject or should he fraudulently abscond, the Chinese Authorities will do their utmost to effect his arrest, and enforce recovery of the debts. The Japanese Authorities will likewise do their utmost to bring to justice any Japanese subject who fraudulently absconds or fails to discharge debts incurred by him to a Chinese subject.

ARTICLE XXIV.

If Japanese subjects in China, who have committed offences or have failed to discharge debts and fraudulently abscond, should flee to the interior of China or take refuge in houses occupied by Chinese subjects or on board of Chinese ships, the Chinese Authorities shall, at the request of the Japanese Consul, deliver them to the Japanese Authorities.

In like manner if Chinese subjects in China, who have committed offences or have failed to discharge debts and fraudulently abscond, should take refuge in houses occupied by Japanese subjects in China or on board of Japanese ships in Chinese waters, they shall be delivered up, at the request of the Chinese Authorities made to the Japanese Authorities.

ARTICLE XXV.

The Japanese Government and its subjects are hereby confirmed in all privileges, immunities and advantages conferred on them by the Treaty stipulations between Japan and China which are now in force; and it is hereby expressly stipulated that the Japanese Government and its subjects will be allowed free and equal participation in all privileges, immunities and advantages that may have been or may be hereafter granted by His Majesty the Emperor of China to the government or subjects of any other nation.

ARTICLE XXVI.

It is agreed that either of the High Contracting Parties, may demand a revision of the Tariffs and of the Commercial Articles of this Treaty, at the end of ten years from the date of

the exchange of the ratifications; but if no such demand be made on either side and no such revision be effected, within six months after the end of the first ten years, then the Treaty and Tariffs, in their present form, shall remain in force for ten years more, reckoned from the end of the preceding ten years, and so it shall be at the end of each successive period of ten years.

ARTICLE XXVII.

The High Contracting Parties will agree upon Rules and Regulations necessary to give full effect to this Treaty. Until such Rules and Regulations are brought into actual operation, the Arrangements, Rules and Regulations subsisting between China and the Western Powers, so far as they are applicable and not inconsistent with the provisions of this Treaty, shall be binding between the Contracting Parties.

ARTICLE XXVIII.

The present Treaty is signed in the Japanese, Chinese and English languages. In order, however, to prevent future discussions, the Plenipotentiaries of the High Contracting Parties have agreed upon that in case of any divergence in the interpretation between the Japanese and Chinese Texts of the Treaty, the difference shall be settled by reference to the English Text.

ARTICLE XXIX.

The present Treaty shall be ratified by His Majesty the Emperor of Japan and His Majesty the Emperor of China and the ratifications thereof shall be exchanged at Peking as soon as possible, and not later than three months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Peking this 21st day of the 7th month of the 20th year of Meiji, corresponding to the eleventh day of the sixth month of the 22nd year of Kuang Hsü.

林	張
董	陰 桓
[L. S.]	[L. S.]
Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary.	*Minister Plenipotentiary, Minister of the Tsungli-ya-men, Holding the rank of the President of a Board and Senior Vice President of the Board of Revenue.*

See Tel. Dec. 4

TELEGRAM RECEIVED IN CIPHER.

DIPLOMATIC
DEC 4 1896
BUREAU

From Tokio, Dec. 4th, 1896

OLNEY,

Washington.

Acknd. Dec. 17.

December fourth. Japanese Government has concluded arrangement with Great Britain for reciprocal protection of industrial property. Jurisdiction question not mentioned in the arrangement. Protection of Japanese rights in Great Britain will be secured by an order in Council. I am sure Japanese Government will be now quite satisfied if the United States decline to surrender(#) jurisdiction. If I do conclude a convention without the jurisdiction clause can it be carried into effect immediately under Act of Congress approved August 5th, 1882 or must it await until the President approved by and with the advice and consent of the Senate.

DUN.

#Message reads - surround.

Dair — Abstract Cooper — does Low refer to?

Biddle.

DEPT. OF STATE
DEC 12, 10.0 1896
CHF. CLKS. OFFICE
RECEIVED

DIPLOMATIC BUREAU.
JAN 21 1897

TELEGRAM RECEIVED. Cipher

From Tokiyo, December 11, 1896.

Secretary of State
JAN 21 1897

Rec'd December 12, 1896.

Received 9.22 A M.

Olney
Washington.

December eleventh. Americans here consider it is very important to secure the protection of their industrial property at the same time with British subjects. I concur with them. If arrangement is concluded in Japan, the necessity of transmission to the United States for ratification will cause much delay, consequently, Japanese Minister for Foreign affairs has agreed to instruct Japanese Minister at Washington to conclude arrangement there if agreeable to you, sending by telegraph draft of convention he proposes. This will save much delay as arrangement would then take effect in Japan immediately upon the President's proclamation, formal ratification in Japan being unnecessary. Japanese Minister for Foreign affairs reserves jurisdiction question for future discussion, but the arrangement will not be in any way dependent upon jurisdiction question. It seems to me this mode of adjusting would be most advantageous to us.

Dun.

Telegram
Dear —
Japan 1720 G

add Fall
R. J.



File

DIPLOMATIC
JAN 4 1897
BUREAU.

No. 431.

Legation of the United States.

Tokyo, Japan, December 12, 1896.

Mr. Dun

to the Secretary of State.

Subject:

Enclosing the reading of two telegrams from Mr. Dun to the Department of State.

No. 431.

Legation of the United States.

Tokyo, Japan, December 12, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir,

I have the honor to enclose herewith the reading of my telegrams of the 4th. and 11th. instant.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

Reading of two telegrams as above.

Enclosure No. 1 with Mr. Dun's No. 431.

"Olney, Washington, December fourth.

" Japanese Government has concluded arrangement with
" Great Britain for reciprocal protection of industrial
" property; jurisdiction question not mentioned in the
" arrangement; protection of Japanese rights in Great
" Britain will be secured by an order in council. I am
" sure Japanese Government will be now quite satisfied
" if the United States decline to surrender jurisdiction.
" If I do conclude a convention without the jurisdiction
" clause can it be carried into effect immediately under
" Act of Congress approved August 5th. 1882, or must it
" await until the President approves by and with the ad-
" vice and consent of the Senate?"

" Dun."

Enclosure No. 2 with Mr. Dun's No. 431.

" Olney, Washington, December eleventh.
" Americans here consider it is very important to secure
" the protection of their industrial property at the same
" time with British subjects. I concur with them. If ar-
" rangement is concluded in Japan the necessity for trans-
" mission to the United States for ratification will
" cause much delay, consequently Japanese Minister for
" Foreign Affairs has agreed to instruct Japanese Minister
" at Washington to conclude arrangement there if agreeable
" to you sending by telegraph draft of convention he pro-
" poses. This will save much delay, as arrangement would
" then take effect in Japan immediately upon the Presidents
" proclamation, formal ratification in Japan being unnecess-
" ary. Japanese Minister for Foreign Affairs reserves
" jurisdiction question for future discussion, but the ar-
" rangement will not be in any way dependent upon juris-
" diction question. It seems to me this mode of adjust-
" ment would be most advantageous to us."

" Dun."

DIPLOMATIC
JAN 4 1897
BUREAU.



No. 432.

Legation of the United States.

Tokyo, Japan, December 12, 1896.

Mr. Dun

to the Secretary of State.

Subject:

Enclosing reading of telegram from the Department of State to Mr. Dun.

No. 432.

Legation of the United States.

Tokyo, Japan, December 12, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir,

I have the honor to enclose herewith the reading of your telegram of the 4th. instant, and in this connection to inform you that I have not yet received your instruction of November 12th. last.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Reading of telegram as above.

Enclosure with Mr. Dun's No. 432.

" Washington, December fourth.

" Dun, Minister, Tokyo.

" Action President and Senate required; see instruction

" November twelfth."

Olney."

ASSISTANT SECRETARY
JAN 5 1897
DEPARTMENT OF STATE.

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JAN 5 1897
BUREAU.

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JAN 4 1897

No 433.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 12, 1896.

Mr. Dun

to the Secretary of State.

Subject:

Proposed Patent and Trade Mark Convention with Japan.

No. 433.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 12, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

Since my despatch No. 429 of date November 23rd last in regard to bringing into immediate force Article XVI of our new Treaty with Japan was written, I have had repeated interviews with Count Okuma, H. I. J. M's. Minister for Foreign Affairs, upon the same subject.

On the 3rd instant, I was informed by him that Great Britain having expressed an unwillingness to surrender jurisdiction over British subjects in matters pertaining to the enforcement of Japan's laws for the protection of industrial property, he had that day concluded an arrangement with the British Minister here, securing to Japanese and British subjects reciprocal national treatment and reserving for future discussion the question of jurisdiction. In this arrangement nothing is said in regard to the enforcement of Japan's industrial laws. It seems that Count Okuma has now decided, for political reasons, to leave that question for the powers that have concluded new treaties with Japan to determine. The arrangement entered into will be brought into effect in the near future, probably

probably within ten days, by an Order in Council in London and a Ministerial Notification here, both to be issued on the same day. Count Okuma has delayed the time on which this arrangement is to take effect in order that, if possible, some arrangement may be made under which equal privileges and protection will be secured to American citizens at the same time that they are secured to British subjects.

Count Okuma expressed his willingness, on the 3rd instant, to at once make a similar arrangement with my Government to that just concluded with Great Britain through her representative here. I replied that it was quite impossible to do so; that any arrangement of the kind with my Government must be approved by the President and Senate of the United States before it could take effect. I took occasion to remind the Minister that my Government had promptly accepted the proposal he had made in his note to me of November 12th, and that it was in consequence of a subsequent request made by him that the arrangement proposed had not yet been concluded and sent on to Washington for the action of the President and Senate, and that in view of the readiness manifested by my Government to extend to Japanese reciprocal protection in the United States, I had hoped and expected that Americans would not be placed at a disadvantage in Japan in this respect with the citizens or subjects of any other country. In consequence of this interview, I sent you my telegram of date the 4th instant, reading of which is enclosed with my No.43

of this date, and on the next day, the 5th instant, received your reply thereto to the effect that the action of the President and Senate was required.

Since my interview of the 3rd instant, I have seen Count Okuma several times in regard to this matter and, on the 10th instant, in order to save the time that would be required for transmission to Washington of any convention or arrangement concluded here for ratification, I suggested to him that such arrangement be negotiated and concluded in Washington, if agreable to you. Count Okuma approved of my suggestion and , on the 11th instant, sent a long telegraphic instruction to Minister Hoshi, the substance of which that gentleman has doubtless communicated to you.

The draft of the convention or arrangement which Count Okuma proposes was embodied in his telegram to Mr. Hoshi. As it is not required by the laws of Japan that an arrangement of the kind proposed by Count Okuma should be ratified here before going into effect, he prefers to call it a "Declaration" rather than a "Convention" as the latter term might imply the necessity of its submission to the Privy Council here before going into effect and, in consequence, cause much unnecessary delay. The form of Count Okuma's proposal is based upon the arrangement entitled a "Declaration" agreed to by the United States and Italy, June 1, 1882 and proclaimed March 19, 1884. In consequence of this undesstanding with Count Okuma, I sent you my telegram of the 11th instant, reading enclosed

enclosed with my No. 434 of this date,

Americans here are extremely desirous that they may have protection for their patents, trade marks and designs at the earliest time possible and I am in frequent receipt of urgent appeals to that effect. It seems to me that it is very desirable that they should have such protection at practically the same time that it is granted to citizens of other countries. I was greatly influenced by their wishes in making the suggestion to Count Okuma that the necessary agreement between the two Governments be concluded at Washington, believing that much valuable time might, in that way, be saved.

I have no doubt whatever that Count Okuma is most anxious that Americans should not be placed at a disadvantage in this matter. It is to be regretted that his purpose was not more definitely fixed when his note to me of November 12th last was written. His subsequent request in regard to the surrender of jurisdiction does not seem to have been well advised. It has resulted in nothing but loss of time.

I trust that my action in this matter will meet with your approval.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
JAN 4 1897
BUREAU

File



No. 434.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 12, 1896.

Mr. Dun

to the Secretary of State.

Subject:

Certificate of Appointment of Vice Consul Nagasaki Returned.

Con Bur

No. 434.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 12, 1898.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

As directed by your instruction No. 363 of October 16th last, I have the honor to return herewith the certificate of Mr. Samuel D. Hepburn's appointment as Vice Consul of the United States at Nagasaki, Japan.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Certificate of appointment as above.

Filed under US Legation to Japan

SECRETARY
DEC 17 1896
DEPARTMENT OF STATE

#

INDEX BUREAU
REC'D.
DEC 17 1896
DEPT. OF STATE

Ithaca, N.Y.

Dept. Bur.

December 15th, 1896.

Jack Dec 1896

DIPLOMATIC
DEC 17 1896
BUREAU

Hon. Miller

to the Secretary of State.

Subject:

Requesting extension of leave of absence for thirty days of next calendar year.

Ithaca, N.Y.
December 15, 1896.

Honorable Richard Olney.
Secretary of State.
Washington. —

Sir:

I have the honor to request that, upon the expiration of my present leave of absence, I may be granted an extension of leave for thirty days of the next calendar year.

I have the honor to be,
Sir,
Your obedient servant,

R. S. Miller Jr.
Interpreter of Legation,
Tokio, Japan.

File

DIPLOMATIC
JAN 14 1897
BUREAU.

JAN 13 1897

No. 435.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 21, 1896.

21

Mr. Dun

to the Secretary of State.

Subject:

Reading of Department Telegram of December 15th, 1896.

No. 435.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 21, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith the reading of your telegraphic instruction dated December 15, 1896.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure as above.

Enclosure with Mr. Dun's No. 435.

Washington, December 15th., 1896.

" Dun, Minister, Tokyo.

" President's proclamation will issue December thirty-

" first declaring amended rules preventing collisions

" at sea shall take effect July one, ninety-seven; urge

" simultaneous action.

Richard Olney."

DIPLOMATIC
JAN 14 1897
BUREAU.

No. 436



LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 21, 1896.

J. B. M. G.
Jan. 14.

Mr. Dun

to the Secretary of State.

Subject:

Delegates to the Universal Postal Union Congress.

No. 436.

LEGATION OF THE UNITED STATES,
Tokyo, Japan, December 21, 1896.

Honorable Richard Olney,
Secretary of State,
Washington.

Sir:- Referring to your unnumbered instruction of date October 29th last, informing me that the city of Washington had been selected as the next meeting place of the Congress of the Universal Postal Union which will convene on the first Wednesday in May, 1897, and instructing me to bring the matter to the attention of H. I. J. M's. Government and to invite it to appoint one or more delegates duly empowered to represent it at the said Congress, I have the honor to inform you that, on the 7th instant, in compliance therewith, I enclosed a copy of your instruction in a note to H. I. J. M's. Minister for Foreign Affairs and am now in receipt of a reply from him, of date the 19th instant, stating that it was the intention of his Government to send delegates to represent Japan at the Congress, but that the matter cannot be positively arranged until the budget for the coming fiscal year has been passed at the approaching session of the Diet, when the delegates will be selected and I shall be made acquainted with their names.

I have the honor to be,
Sir,
Your obedient servant,

Edwin Dun

Enclosure with Mr. Dun's No. 436.

Translation.

No. 50. Department of Foreign Affairs.

Tokio, the 19th. day, the 12th. month, the 29th. year of Meiji.

His Excellency

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's Note of the 7th. instant stating that you have received an instruction from the Honorable the Secretary of State to invite His Imperial Majesty's Government to participate in the Congress of the Universal Postal Union to be convened at Washington on the first Wednesday in May, 1897, enclosing a copy of the instruction. I have at once referred the matter to the Minister of Communication, who informs me that His Imperial Majesty's Government intend to send delegates to represent our Government at the Congress, but it cannot positively be fixed until the budget for the coming fiscal year shall have been passed at the approaching session of the Diet, and that the Imperial Government will then be able to select the delegates and acquaint Your Excellency with their names. Consequently I request Your Excellency to be kind enough to communicate the

above

above circumstances to the Government of the United States.

I avail myself of this occasion to renew etc. etc.

File

DIPLOMATIC
JAN 15 1897
BUREAU.

INDEX BUREAU RECD JAN 13 1897

2D ASSISTANT SECRETARY.
Ack. by Number and File.
JAN 14 1897

No. 437.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 21, 1896.

Mr. Dun

to the Secretary of State.

Subject:

Lake Property at Nagasaki.

No. 497.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 21, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 368, of date October 30th last, in regard to the Lake property at Nagasaki and to inform you that , on the 14th instant, I addressed a note, a copy of which is enclosed herewith, to H. I. J. M's. Minister for Foreign Affairs enclosing therewith a copy of your instruction to me.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Mr. Dun to Count Okuma, Dec. 14, 1896.. Copy.

Enclosure with Mr. Dun's No. 437.

Legation of the United States.

Tokyo, Japan, December 14, 1896.

His Excellency,

Count Okuma Shigenobu,

His Imperial Majesty's

Minister for Foreign Affairs.

Sir:-

I have the honor to enclose herewith for Your Excellency's consideration, copy of an instruction to me from the Honorable the Secretary of State, dated October 30th., last, written in response to the note dated the 10th. of July last, which Your Excellency's predecessor Marquis Saionzi addressed to Mr. Herod, then Charge d'Affaires a.i. of the United States, in relation to the Lake property at Nagasaki, a copy of which note I transmitted to my Government in a despatch dated September 21st., last.

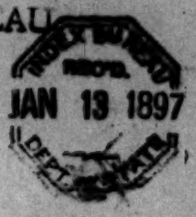
Your Excellency will please observe that I am directed by the Secretary of State "to inform the " Japanese Government that the United States cannot join " issue with it upon the legal effects and consequences " of the facts which it alleges and relies upon in justi- " fication of its action, nor continue to discuss matters " of law and fact which are proper subjects for adjudicatin " by a court which is open for that purpose. They are not " matters which either Government, or even both Governments

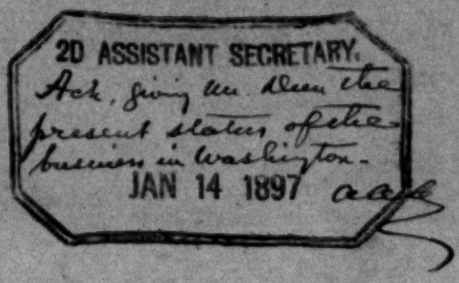
" can

" can properly pass upon. The only point which this Gov-
" ernment now insists upon is the fact that Japan has act-
" ed independently of the court, and has, therefore, unlaw-
" fully deprived a citizen of the United States of his
" property rights. For that reason the property which has
" been taken from Mr. Lake should be restored to his poss-
" ession with compensation for any injury which may have
" been done it, and for any loss of profit which he may
" have suffered during the period of dispossession.
" When that is done, the Japanese Government will be in a
" position and at full liberty to inaugurate in the con-
" sular court a regular proceeding, in the manner proscrib-
" ed for the conduct of causes in that court, to test the
" continued validity and binding force of the leases under
" which Mr. Lake holds this property, and his right to con-
" tinued possession thereof. The final judicial decree re-
sulting from that proceeding will be unhesitatingly ac-
" quiesced in by this Government. If the final judgment be
" that Mr. Lake had forfeited his rights, the United States
" will have no more to say in his behalf; but until there
" is such a decree or judgment of court, rendered after a
" proper judicial investigation, the United States is
" bound to insist that Mr. Lake has been unlawfully de-
" prived of his property, and that he be restored to the
" possession of it with proper compensation."

I avail myself of this opportunity to etc. etc.

DIPLOMATIC
JAN 14 1897
BUREAU





No 438.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 21, 1896.

21-96

See Instruction No. 382 Jan 21/97

Mr. Dun

to the Secretary of State.

Subject:

Correspondence in re Patent and Trade Mark Convention.

No. 438.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 21, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith copy of a note dated the 11th instant, addressed by me to H. I. J. M's. Minister for Foreign Affairs and of Count Okuma's reply thereto, dated the 14th instant, in regard to bringing into immediate operation Article XVI of the new treaty between the United States and Japan.

This correspondence was the result of a mutual understanding on the part of Count Okuma and myself to complete the records of the Foreign Office and of this Legation in regard to negotiations that had been transferred to Washington.

I beg to call your attention to the last paragraph of Count Okuma's note in which he reserves for future discussion the question of jurisdiction and enforcement of the laws of Japan regarding industrial property.

I have the honor to be,

Sir,

Your obedient servant,

Two enclosures.

Edwin Dun

Enclosure 1 with Mr. Dun's No. 438

Legation of the United States.

Tokyo, Japan, December 11, 1896.

His Excellency

Count Okuma Shigenobu,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:-

I have the honor to acknowledge the receipt of Your Excellency's note No. 9, of date the 12th. ultimo, informing me that the ratifications of the Treaty of Commerce and Navigation recently concluded between Japan and Germany would be exchanged at Berlin on November 18, last, and that the article of that treaty reciprocally guaranteeing national treatment in the matter of protection of industrial property would come into operation at the time such exchange was effected.

In order to avoid even the appearance of discrimination against citizens of the United States, Your Excellency informs me that the Imperial Government are prepared to consult the wishes of the Government of the United States with reference to bringing into operation Article XVI of the new Treaty between the United States and Japan, and, finally, Your Excellency makes certain proposals in regard to the manner of effecting that object.

I at once telegraphed the substance of Your Excellency's note to my Government, and I am now in receipt of instructions from the Honorable the Secretary of State, informing me of the willingness of my Government to conclude an arrangement for the reciprocal protection of industrial property on the basis proposed by Your Excellency in the last part of the note under reply.

Referring to the request made by Your Excellency subsequent to the receipt of your note by me, that the United States should surrender jurisdiction over American citizens to the courts of Japan in all matters pertaining to the enforcement of Japan's laws for the protection of industrial property, I am persuaded, in view of the time that has elapsed since that request was submitted to the Honorable the Secretary of State, that my Government would experience much difficulty in complying with that request at this time.

I hope, however, in view of the expressed readiness of the United States to extend reciprocity to Japanese subjects, that Your Excellency will find it possible to enter into some arrangement under which citizens of the United States will not be placed at a disadvantage in this respect with the citizens or subjects of any other Treaty Power.

I avail myself of this opportunity etc. etc.

Enclosure 2 with Mr. Dun's No. 438

Translation.

No. I9. The Gwaimusho.

Tokio, the I4th. day of the I2th.. month, of the 29th. year of Meiji.

His Excellency,

Ed win Dun,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Sir:-

I have the honor to acknowledge the receipt of Your Excellency's Note of the IIth. instant in reply to mine of the I2th. ultimo in reference to the immediate operation of Article XVI of the new Treaty between our respective countries.

In view of the circumstances and considerations which Your Excellency presents, and wishing, moreover, to give renewed evidence of their spirit of conciliation, the Imperial Government, in order to expediate the adjustment of the question and thus to effectually prevent the discrimination which Your Excellency is anxious to guard against, have, by wire, authorized H.I.M.'s representative at Washington, to conclude an arrangement having for its object, the immediate reciprocal enjoyment of national treatment, in all that concerns the protection of patents, trade-marks and designs.

In making this announcement to Your Excellency, I beg to reserve for future discussion

discussion, the question of jurisdiction and enforcement of the laws of Japan regarding industrial property. I avail myself of this occasion, etc.etc.

(Signed:) Count Okuma Shigenobu.

Minister for Foreign Affairs.

File Mr. Bridler

DIPLOMATIC
JAN 14 1897
BUREAU
JAN 13 1897
DEPT. OF STATE

No. 439.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 21, 1896.

21

Mr. Dun

to the Secretary of State.

Subject:

Amended Rules for the Prevention of Collisions at Sea.

No. 439.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 21, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

Your telegraphic instruction dated the 15th instant to the effect that, on the 31st instant the President will issue a Proclamation declaring that the amended rules for the prevention of collisions at sea shall take effect July 1, 1897, and directing me to urge simultaneous action on the part of Japan was received by me at 10-30 p.m. on the 16th instant.

On the next day, the 17th instant, I had an interview with Count Okuma, H. I. J. M's. Minister for Foreign Affairs, in regard to the matter and, as directed by you, urged upon him the advisability of similar action being taken by Japan and at the same time left with him a formal note of that day, a copy of which I have the honor to enclose herewith, informing him of the telegraphic instruction received by me of my Government.

The Minister for Foreign Affairs assured me that he would at once refer the matter to H. I. J. M's. Minister for Communications and earnestly request him to advise compliance by Japan with the

wishes of the United States in this matter if it were possible to do so.

Upon receipt of a definite reply from the Japanese Government I shall at once communicate it to you.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Mr. Dun to Count Okuma, Dec. 17th. Copy.

Enclosure with Mr. Dun's No. 439

Legation of the United States.

Tokyo, December 17, 1896.

His Excellency,

Count Okuma Shigenobu,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:-

Referring to the correspondence between this Legation and His Imperial Majesty's Department of Foreign Affairs relative to regulations for the prevention of collisions at sea, and more especially to note No. 174 of July 23rd. last, addressed by Mr. Herod, then Charge d'Affaires a.i., to Your Excellency's predecessor, Marquis Saionzi, and to Marquis Saionzi's reply thereto, Note No. 39, dated August 31st., last, a copy of which was transmitted to my Government and referred to the Honorable the Secretary of the Treasury, I have the honor to inform Your Excellency, that I am in receipt of a telegraphic instruction from the Honorable the Secretary of State, dated the 15th. instant, to the effect that a Proclamation will be issued by the President on the 31st. instant, declaring that the amended rules for the prevention of collisions at sea shall take effect on July 1st. 1897, and directing me to urge the advisability of similar and simultaneous action being taken by Your Excellency's Government.

I avail myself of this occasion to etc. etc.



Filed under US Legation to Japan

Ithaca, N. Y.

December 22, 1896.

22

File

Mr. Miller,

To the Secretary of State.

S U B J E C T :

Has received instruction of date

December 19, 1896

Ithaca, N. Y.

December 22, 1896

Honorable Richard Olney,

Secretary of State,

Washington.

Sir :

I have the honor to acknowledge with thanks the receipt of your instruction of date December 19, last, granting my application for an extension of leave of absence for thirty days of the next calendar year, provided that I am not absent from my post beyond the 4th of March and subject to the usual statutory provisions.

I have the honor to be,

Sir,

Your obedient servant,

R. S. Miller Jr

Interpreter of Legation,

Tokio, Japan.

DIPLOMATIC
JAN 25 1897
BUREAU.

INDEX BUREAU
REC'D.
JAN 25 1897
DEPT. OF STATE.

ASSISTANT SECRETARY
JAN 25 1897
DEPARTMENT OF STATE.

No. 440.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 30, 1896.

Dept. Desp.
Archives

Mr. Dun

to the Secretary of State.

Subject:

Emperor's Speech at the Opening of the Diet.

No. 44a:

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 30, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that the Japanese Diet was formally opened by the Emperor on the 25th instant. I enclose herewith a translation clipped from the "Japan Mail" of the 26th instant of the Emperor's speech on that occasion.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Clipping from "Japan Mail" of December 26, 1896.

Encl. with Mr. Denis No. 440.

The Japan Daily Mail.

YOKOHAMA, SATURDAY, DECEMBER 26, 1896.

OPENING OF THE DIET.

Yesterday (25th instant) the official opening of the Diet took place. The ceremony followed the accustomed routine, with which our readers are already familiar. The Emperor attended in person; was received within the enclosure of the Diet by the Presidents and Vice-Presidents of the two Houses, the Ministers of State, and other high dignitaries; rested for a brief period in the Imperial waiting-room, and then proceeding to the Throne in the House of Peers, read the following speech:—

We hereby perform in person this opening ceremony of the Imperial Diet.

We inform the members of the House of Peers and of the House of Representatives that the relations between Our Empire and the Treaty Powers are more amicable than ever, and that the work of revising the Treaties is about to be consummated.

National defences being the safeguards of peace, We look to see them perfected gradually, with due regard to the adjustment of the national finances.

The condition of Our subjects in Formosa being a matter that greatly concerns us, it is essential that good order should be established there to the full, and that the welfare and prosperity of the island should be promoted.

We have instructed Our Ministers of State to prepare and present the Budget for the 30th fiscal year of *Meiji* and other important projects of law, and We expect that in the discharge of your important duties of State, you will exercise your functions of consent and careful deliberation in such a manner as to satisfy Our desires.

ASSISTANT SECRETARY
JAN 25 1897
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
JAN 25 1897
DEPT. OF STATE.

No. 441.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 30, 1896.

Mr. Dun

to the Secretary of State.

Subject:

Death of Mr. Jaudon, Clerk of Legation.

No. 441.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 30, 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

It is with deep regret that I announce to you the death, on the 23rd instant, from heart failure, of Mr. Peyton Jaudon, Clerk of this Legation.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
JAN 30 1897
BUREAU.

ASSISTANT SECRETARY
JAN 30 1897
DEPARTMENT OF STATE.

No. 442.

INDEX BUREAU
RECD.
JAN 30 1897
DEPT. OF STATE

LEGATIONOF THE UNITED STATES,

Tokyo, Japan, January 8, 1897.

Answd Feb. 2.

Mr. Dun

to the Secretary of State.

Subject:

Copies of Foreign Relations requested by Japanese Government.

No. 442.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 8, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that I am in receipt of a communication from the Japanese Department of Agriculture and Commerce containing a request that that Department may be furnished annually with a copy of the "Foreign Relations of the United States." If it is not contrary to the regulations of the Department, I have the honor to request that the publication may be sent to the Department of Agriculture and Commerce as desired, commencing with a copy for the year 1896.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

14

DIPLOMATIC TELEGRAM RECEIVED.

JAN 18 1897

BUREAU.

Secretary of State JAN 26 1897

RECD. JAN 16 1897 DEPT. OF STATE

From Tokio,

Jany 16, 1897.

Received 11:46 A M.

Confirmed Jan 19

Washington

January Sixteenth Their

Majesties thankfully acknowledge

the Presidents kind message

Dun

ark file

R. O.

file

DIPLOMATIC
FEB 12 1897
BUREAU.

No. 443.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Readings of telegrams.

No. 443.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to append on overleaf the reading of your telegraphic instruction of the 11th instant and of my reply thereto dated January 16, 1897.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

(Over.)

(Telegram.)

Washington, January 14, 1897.

Dun, Minister, Tokio.

Express in President's name sincere sorrow and condolence by reason of the death of Her Majesty the Empress Dowager.

Olney.

(Telegram.)

Tokio, January 16, 1897.

Olney, Washington.

January sixteenth. Their Majesties thankfully acknowledge the President's kind message.

Dun.

DIPLOMATIC
FEB 12 1897
BUREAU.

INDEX BUREAU
RECD.
FEB 12 1897
DEPT. OF STATE

2D ASSISTANT SECRETARY.
Copy to Treasure
Add. by Number and File.
FEB 12 1897

No. 444.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

To Treasury Feb 13
Acy Feb 19/97

Mr. Dun

to the Secretary of State.

Subject:

Rules for the prevention of collisions at sea.

No. 444.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

Honorable Richard Olney,
Secretary of State,
Washington.

Sir:-

Referring to your telegraphic instruction of December 15th last, and to my despatch No. 439 dated the 25th of the same month in response thereto, in regard to the enforcement of the amended rules for the prevention of collisions at sea, I now have the honor to enclose herewith a note from Count Okuma, H. I. J. M's. Minister for Foreign Affairs, in which he informs me that the Minister of Communications, to whom the matter had been referred, had replied in the same tenor as on a previous occasion, to the effect that existing regulations of Japan may be modified after the proposed amended rules have been put in force in the United States and other countries.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Count Okuma to Mr. Dun, Jan. 15, '97, Copy.

Enclosure with Mr. Dun's No. 444.

(Copy.)

No. 4. Translation.

Department of Foreign Affairs,

Tokio, January 15, 1897.

His Excellency

Edwin Dun,

etc., etc., etc.,

Monsieur le Ministre,

I have the honor to acknowledge the reception of Your Excellency's Note No. 197 of the 17th ultimo, stating the desire of the Government of the United States that, as the President will issue a Proclamation to cause the amended rules for the prevention of collisions at sea to take effect on July 1st, 1897, the Imperial Government should take similar and simultaneous action.

The Minister of Communications, to whom the matter has been at once referred, informs in the same tenor as he did on the previous occasion that at present all he can assure Your Excellency is that our existing regulations may be modified after the proposed amended rules shall have been put in force in the United States and other countries.

Consequently, I request Your Excellency to be so good as to communicate the above circumstances to Your Government.

I avail myself etc.

(Signed) Count Okuma Shigenobu,

Minister for Foreign Affairs.

2D ASSISTANT SECRETARY.
Ack with satisfaction.
aas
FEB 12 1897

DIPLOMATI
FEB 12 1897
BUREAU.

No. 445.

INDEX BUREAU
REC'D.
FEB 12 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

Ack'd Feb. 13

Mr. Dun

to the Secretary of State.

Subject:

Report on studies of the 2nd Secretary of Legation.

No. 445.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

In compliance with the spirit of the law requiring that the Second Secretary of this Legation shall be a student of the Japanese language, I have deemed it my duty to ascertain by examination what progress Mr. Sands has made in his studies.

Taking into consideration the short time he has been engaged in the study thereof, it gives me much pleasure to be able to report to you that his progress in the acquirement of both the written and spoken language is very satisfactory.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

2D ASSISTANT SECRETARY.
Ack by subject -
FEB 12 1897

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FEB 12 1897
BUREAU.

No. 446.

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LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

Aug 2 Feb 13

Mr. Dun

to the Secretary of State.

Subject:

Death of Empress Dowager.

No. 446.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

Honorable Richard Olney,

Secretatry of State,

Washington.

Sir:-

I have the honor to inform you of the death, on the 11th instant, after a brief illness, of Her Majesty the Empress Dowager of Japan.

Although arrangements for the funeral are not yet complete, it has been decided that the ceremonies will be held early next month at Kyoto, where the remains are to be interred. Court mourning has been ordered to be observed for one year.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

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FEB 12 1897
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2D ASSISTANT SECRETARY.
Ack by subject & file.
aaa
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No. 447.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

Jack's
Feb 13

Mr. Dun

to the Secretary of State.

Subject:

President's message of condolence.

No. 447.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1897.

Honorable Richard Olney,

Secretaryof State,

Washington.

Sir:-

Upon the receipt of your telegram of date the 14th instant instructing me to "Express in President's name sincere sorrow and condolence by reason of the death of Her Majesty the Empress Dowager", I at once visited Count Hijikata, Minister of the Imperial Household, and expressed to him in suitable terms the President's message and, at the same time, left with him a note enclosing a copy of your telegram to me and expressing in writing what I had already said verbally. I also visited Count Okuma, Minister for Foreign Affairs, and in the same manner communicated to him the President's message.

I am now in receipt of a note from Count Hijikata, dated the 15th instant, copy of which I have the honor to enclose herewith, in response to my visit and note to him, in which I am informed that he has communicated the President's message of condolence to Their Majesties the Emperor and Empress, and that he has been commanded by Their Majesties to request me to convey to the President "Their best thanks for his kind sentiments on this sad bereavement."

On the 16th instant I telegraphed to you the thankful acknowledgment of the President's kind message.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure with Mr. Dun's No. 447.

(Copy.)

IMPERIAL HOUSEHOLD,

Tokio, January 15th, 1897.

His Excellency

Edwin Dun,

etc., etc, etc.

Monsieur le Ministre,

I have the honour to acknowledge receipt of Your Excellency's letter of this date, enclosing me a copy of the telegram and requesting me to convey to Their Majesties the Emperor and Empress His Excellency the President's kind sympathy on the lamented death of Her Majesty the Empress Dowager.

In reply, I beg to say that in bringing to Their Imperial Majesties' knowledge the contents of the letter and the copy of the telegram, I have been commanded to request you to return to the President Their best thanks for his kind sentiments on this sad bereavement, and it is hoped that this expression of my August Sovereigns may be communicated to the President.

I avail myself etc.

(Signed.) Count Hijikata.

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FEB 20 1897
BUREAU.

No. 448.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 26, 1897.

Rcpd. to Mrs Pattison Feb. 23 '97

Mr. Dun

to the Secretary of State.

Copy to Mrs. Mary Schenck Woolman, Hdq Pres. of the N.Y. Assn. of Sewing Schools, Jan. 2, 1902 C.

Subject:

Articles sent by Japan to the New York Association of Sewing Schools.

No. 448.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 26, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

Referring to instruction No. 358, of date September 29, 1896, from Honorable W. W. Rockhill, Acting Secretary of State, requesting me to procure specimens of industrial drawings, note books of the scholars, samples of the sewing, etc., of the school girls of Japan for an exhibition to be held by the New York Association of Sewing Schools, I now have the honor to enclose herewith copy of a note dated the 19th instant from Count Okuma, H. I. J. M's. Minister for Foreign Affairs, and of the list mentioned therein, which I received on that day, together with the collection of articles named in the list.

I find the collection to be a most interesting and valuable one. I have had it carefully packed in tin with a strong outer casing of wood, and shall ship it by the O. & O. S. S. "Doric", advertised to leave Yokohama for San Francisco on the 28th instant, addressed to the Department of State, Washington, D. C., care of W. A. Cooper, Esquire, Despatch Agent, San Francisco, whom I shall advise by letter of the shipment and request that he receive and forward the box with as little delay as possible. I

I shall pay here, in advance, all shipping charges to San Francisco.

I respectfully call your attention to the last paragraph of Count Okuma's note, in which I am informed that the Minister of Education requests that the articles composing the collection be either returned to him as they are, or that appropriate educational objects be sent to him in exchange for them.

Upon the receipt of Count Okuma's note, and of the collection, I addressed to him a letter of thanks, dated the 21st instant, a copy of which I enclose herewith.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. Count Okuma to Mr. Dun, Jan. 19, 1897.
2. List of articles composing collection.
3. Mr. Dun to Count Okuma, Jan. 21, 1897.

Enclosure with Mr. Dun's No. 1146.

(COPY.)

No. 6.- Translation.

DEPARTMENT OF FOREIGN AFFAIRS,

Tokyo, January 19, 1897.

His Excellency

Edwin Dun,

etc., etc., etc.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's Note of November 17 last, enclosing copy of the instruction of the Honorable the Acting Secretary of State, requesting me to secure samples of the work done by our school girls for an exhibit which the New York Association of Sewing Schools intends to make of the work done in sewing classes throughout the world.

The Minister of Education, to whom the matter had at once been referred, having now forwarded me the desired samples as per list hereto attached, I have the honor to transmit them herewith to Your Excellency. I greatly regret that the shortness of the time allowed has rendered it impossible to make a more complete collection.

As the Minister of Education desires that the above mentioned articles should either be returned as they are, or exchanged with appropriate educational objects in your country, I beg that Your Excellency will be so kind as to take necessary steps to that end.

I avail myself etc.

(Signed) Count Okuma Shigenobu,

Minister for Foreign Affairs.

LIST.

IndustrialDrawings by the pupils of the Higher Normal School for Females.

(1) 1st and 2nd year classes (between 17 1/12 and 21 3/7 years of age).

(2) 4th year classes (between 19 1/2 and 25 1/3 years ofage).

Industrial drawings by the pupils of the Higher Female School attached to the Higher Normal School for Females.

(1) 1st year class (between 10 and 14 1/2 years of age).

(2) 2nd year class (between 11 1/6 and 14 3/4 years of age).

(3) 3rd year class (between 11 7/12 and 14 5/6 years of age).

(4) 4th year class_____a
(5) 4th year class____b } (between 12 and 16 7/12 years).

(6) 5th year class-----a
(7) 5th year class-----b } (between 12 5/6 and 17 3/4 years).

(8) 6th Year class (between 15 1/2 and 18 1/2 years of age).

Specimens showing the processes of instruction in sewing in the Higher Female School attached to the Higher Normal School for Females.

(1) 1st year class.

(2) 2nd year class.

(3) 3rd year class.

(4) 4th year class.

(5) 5th year class.

(6) 6th year class.

Handiwork of the pupils of the Ordinary Elementary Course attached to the Higher Normal School for Females.

(1) 1st year class (between 6½ and 7½ years of age).

(2) 2nd year class (between 7 and 9⅙ years of age).

(3) 3rd year class (between 7⅓ and 10⅓ years of age).

(4) 4th year class (between 9⅙ and 11⅔ years of age).

Materials and instruments for handiwork in the Ordinary Elementary Course attached to the Higher Normal School for Females.

Drawings by the pupils (16⅓ to 18 years of age) of the Supplementary Course in the Higher Female School attached to the Higher Normal School for Females.

Enclosure with Mr. Dun's No. 448.

(Copy.)

No. 208.

LEGATION OF THE UNITED STATES,

Tokyo, January 21, 1897.

His Excellency

Count Okuma Shigenobu,

H. I. J. M's. Minister for Foreign Affairs.

Sir:-

I have the honor to acknowledge the receipt of Your Excellency's Note of date the 19th instant and of a most interesting and valuable collection of samples, as per list enclosed with your Note, of the work done by the pupils of the Higher Normal School for Females of Japan, and of the Higher Female School attached to the Higher Normal School for Females, which you transmit to me from His Excellency the Minister of Education.

I beg to express to your Excellency, and, through you, to His Excellency the Minister of Education my sincere thanks, not only for this most interesting collection, but also for the kind spirit displayed in meeting a request preferred through my Government in a manner as prompt as it was generous.

I shall take great pleasure in forwarding, by the next outgoing steamer, the collection to Washington and in requesting that it be at once sent on to the New York Association of Sewing Schools, by which organization, I can assure Your Excellency, it will be most highly valued and appreciated.

I shall not fail to inform my Government of the expressed desire of the Minister of Education that the articles composing the collection be returned as they are or, that an appropriate exchange of educational objects of the United States be sent to Japan in their

stead. In order that there may be no misunderstanding in this regard, I shall enclose a copy of Your Excellency's note to me in a despatch to my Government in regard to this matter.

I avail myself of this occasion etc.

(Signed) Edwin Dun.

DIPLOMATIC
FEB 26 1897
BUREAU.

2D ASSISTANT SECRETARY.
To Treasury -
Dept Agt. at San Francisco.
To show Baron v. Gutschmid proper civilities.
FEB 26 1897
So ack.

No. 449.

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LEGATION OF THE UNITED STATES,

Togyo, Japan, February 5, 1897.

Mr. Dun

to the Secretary of State.

Subject:

German Minister to Japan returns home, passing through the United States.

DIPLOMATIC
FEB 26 1897
BUREAU.

2D ASSISTANT SECRETARY.
To Treasury -
Copied to Dept. Agt. at San Francisco.
to show Baron v. Gutschmid proper circulation.
FEB 26 1897
So ack.

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LEGATION OF THE UNITED STATES,

Togyo, Japan, February 5, 1897.

Ack. To Treasury
" German Amb.
" U.S. Dresp. Agt.
Feb. 27 " San F.

To Germ. Am. Mch. 9.97

Mr. Dun

to the Secretary of State.

Subject:

German Minister to Japan returns home, passing through the United States.

No. 449.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 5, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

Baron von Gutschmid, the German Minister at this Court, has been granted leave of absence to visit his home in Germany. He sails from Yokohama for San Francisco on March 6th next by the O. & O. steamer "Coptic", and will arrive at the last named place about March 20th. He will proceed directly to New York and from thence to Europe.

I have the honor to request that the Customs Authorities at San Francisco may be instructed to extend to him the courtesy of passing his personal effects without delay or examination. Baron von ~~Baron von~~ Gutschmid informs me that he will have nothing in his baggage that he does not intend to take with him to Germany.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

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BUREAU.

No. 450.

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LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 5, 1897.

Mr. Dun

to the Secretary of State.

Gen'l Dept
To Treasury
Febry

Subject:

Rules for the Prevention of Collisions at Sea.

No. 450.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 5, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 380, of date December 31, 1896, enclosing four copies of the President's proclamation of that date proclaiming the amended rules for preventing collisions at sea, to take effect July 1, 1897.

Since my despatch No. 444, of date January 18th last, upon this subject was sent to you, I have received (on January 18th last) your instruction No. 377 of December 15, 1896. On the next day, (January 19th last), I again addressed a note upon this subject to H. I. J. M's. Minister for Foreign Affairs and enclosed with it a copy of your No. 377 to me. A copy of that note I have the honor to enclose herewith.

Upon the receipt yesterday of your No. 380, I at once called upon Count Oguma and informed him of that instruction and of the copies of the President's proclamation received by me. I reminded him of the fact that the nations which have already assented to the Washington rules for preventing collisions at sea control more than 95% of the

No. 450.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 5, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 380, of date December 31, 1896, enclosing four copies of the President's proclamation of that date proclaiming the amended rules for preventing collisions at sea, to take effect July 1, 1897.

Since my despatch No. 444, of date January 18th last, upon this subject was sent to you, I have received (on January 18th last) your instruction No. 377 of December 15, 1896. On the next day, (January 19th last), I again addressed a note upon this subject to H. I. J. M's. Minister for Foreign Affairs and enclosed with it a copy of your No. 377 to me. A copy of that note I have the honor to enclose herewith.

Upon the receipt yesterday of your No. 380, I at once called upon Count Oguma and informed him of that instruction and of the copies of the President's proclamation received by me. I reminded him of the fact that the nations which have already assented to the Washington rules for preventing collisions at sea control more than 95% of the

World's tonnage, and urged upon him the advisability of the same regulations being adopted by Japan, and, to this end, expressed the hope that, if it were possible to do so, the ruling of the Minister of Communications in regard to the matter, conveyed to me in his (Count Okuma's) note of January 15th last, might be reconsidered.

Count Okuma requested me to send him a copy of the President's proclamation and said he would again urge upon the proper authorities of his government the importance of similar and speedy action on their part, and assured me that if the decision in this matter rested with him the expressed wishes of my Government would be at once complied with.

In compliance with your instruction and Count Okuma's request I have this day sent him two copies of the President's proclamation enclosed with a note, copy of which I enclose herewith, referring to the interview upon the subject I had with him on yesterday.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. Mr. Dun to Count Okuma, Jan. 19, 1897.

2. Mr. Dun to Count Okuma, Feb. 5, 1897.

Enclosure / with Mr. Dun's No. 450

Legation of the United States.

Tokyo, Japan, January 19, 1897.

His Excellency,

Count Okuma Shigenobu,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:-

Adverting to the correspondence relative to the amended rules for the prevention of collisions at sea, and more especially to my note No. 197 of the 17th. ultimo, in which I had the honor to enclose copy of a telegram received from the Honorable the Secretary of State, I now have the honor to enclose herewith to Your Excellency copy of an instruction just received by me which supplements the telegram above referred to and makes clear the importance of the subject.

In view of the fact, as stated by the Secretary of State, that the nations which have thus far assented to the enforcement of the Washington rules control more than ninety-five per cent of the world's tonnage, I have felt it advisable to again bring this matter to the attention of Your Excellency's Government, although the Minister of Communications has made a ruling upon the subject.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

(Signed): Edwin Dun.

(Copy).

Enclosure 2 with Mr. Dun's No. 450.

Legation of the United States.

Tokyo, Japan, February 5, 1897.

His Excellency,

Count Okuma Shigenobu,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:-

Referring to the conversation upon the subject which I had with Your Excellency yesterday, the 4th. instant, I Now have the honor to enclose herewith, for your information two copies of the President's proclamation of December 31st., last, proclaiming the amended rules of the road for preventing collisions at sea, to take effect, as far as vessels of the United States are concerned, July 1st. 1897.

In view of the fact that the nations which have thus far assented to the enforcement of the Washington rules for preventing collisions at sea, as amended by the Act of Congress approved July 10th., 1896, control more than ninety-five per cent of the world's tonnage, (according to Lloyd's register), I venture to again urge upon Your Excellency's Government the advisability of the same action being taken by Japan in this important matter, in order that there may be universal and identical rules for the preservation of life and property at sea, to take effect on or about the same date.

Not doubting that Your Excellency's Government concurs

with

with my Government in the belief that the object to be attained by the universal operation of such improved regulations is greatly to be desired, I feel encouraged to express the hope that, after further consideration of this important subject, and in view of the assent given to the Washington rules by nations controlling so great a part of the world's commerce, the ruling of His Excellency the Minister of Communications in regard to this matter conveyed to me in Your Excellency's note of January 15th., last, may be reconsidered.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

(Signed): Edwin Dun.

(Copy).

2D ASSISTANT SECRETARY.
Ack & file.
FEB 26 1897

No. 451.

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LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 5, 1897.

Jackes
Feb. 27.

Mr. Dun

to the Secretary of State.

Subject:

Trade Mark Convention.

No. 451.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 5, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your telegram of date the 3rd instant, copy of which I enclose herewith, informing me of the ratification by the Senate of the Trade Mark Convention lately concluded between the United States and Japan, and that a copy of the Convention for exchange with the Japanese Government, with full powers to that end, had been sent to me, and, also, that instructions would follow.

I shall notify H. I. J. M's. Minister for Foreign Affairs of the receipt of your telegram and request that arrangements be made to effect the necessary exchange with as little delay as possible, after the copy and authority referred to in your message reach me.

I have the honor to pe,

Sir,

Your obedient servant,

Edwin Dun

Enclosure: Reading of telegram.

Enclosure with Mr. Dun's No. 457.

Washington, February 3, 1897.

Dun, Minister, Tokyo.

Trade-mark convention ratified by senate. Exchange copy sent to you with full power. Instructions follow.

Olney.

DIPLOMATIC
MAR 24 1897
BUREAU.

ASSISTANT SEC'Y
Ack + file. aaa
MAR 24 1897

RECEIVED
MAR 24 1897
DEPT. OF STATE

No. 452

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 23, 1897.

Rec'd Mch 25

Mr. Dun

to the Secretay of State.

Subject:

Burial of the Empress Dowager.

No. 452.

LEGATION OF THE UNITED STATES;

Tokyo, Japan, February 23, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith a clipping from the "Japan Mail" of the 11th instant, giving an account of the ceremonies incident to the burial of Her Majesty the Empress Dowager at Kyoto on the 8th instant.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Clipping from "Japan Mail" of February 11, 1897.

Enclosure with Jn. Dis's No. 452.

The Japan Daily Mail.

YOKOHAMA, THURSDAY, FEBRUARY 11, 1897.

THE OBSEQUIES AT KYOTO.

Sunday was a very chilly day in Kyoto, snow falling at intervals until four p.m., though the sun was at times visible. The influx of visitors to view the ceremonies connected with the funeral of the Yeikwo Kotaiko (the late Empress-Dowager) was enormous, and the ancient city was taxed to its utmost to find accommodation for the constantly increasing crowds. Along the roads to be traversed by the funeral cortége were posted placards advising the people that a clear space must be kept, and in addition down each thoroughfare were stretched straw ropes, beyond which none but those engaged in the ceremonies were permitted to pass. Behind this slight barrier the crowds were allowed to gather, and by three o'clock on Sunday afternoon these streets presented a curious sight, the spectators being packed closely together along the whole length of the funeral's route. Their faces formed a solid wall of impassive silence. At half-past five o'clock, the Naval Band played a funeral march, and soon the hearse was observed emerging from the Western gate of the Palace. First came some mounted police-inspectors, then a battalion of soldiers, consisting of cavalry, infantry, artillery, and the Guards: and then the troops of the Fourth Division, from Osaka. Next followed stands of *sakaki* trees, torch-bearers, twenty banners of white brocade, each borne by two men; next a casket containing the funeral votive viands; then some clerks of the Imperial Mausolea Bureau, the Chief of the Bureau, and so forth, all in due order. The hearse was drawn by three oxen harnessed in single file. The wheels of the car were so constructed that as they slowly revolved they emitted a mournful creaking. Each animal was led by two officials on foot, with two assistants, who walked behind, holding the silken cord fastened to each ox. These again had other assistants, fifteen on each side. Officers of the Imperial Body-guard walked near each ox, and on either hand, behind the hearse, walked members of the Japanese peerage. Prince Arisugawa, Chief Mourner, followed on foot, attired in ancient Japanese mourning costume, and carrying on a pilgrim's bamboo wand. His Imperial Highness, who appeared exceedingly careworn, never raised his eyes from the ground during the whole ceremony. As the Prince approached, everybody respectfully bowed. Two naval lieutenants walked behind the Prince; then followed two torch-bearers. Their Imperial Highnesses Prince Fushimi, Prince Komatsu, Prince Komatsu, Jun., Prince Kuni, and Prince Kanin came next, followed by the special Commissioners of Obsequies. Separated from the Princes by a pair of torch-bearers, walked Marquis Ito, alone. He was followed by the Ministers of State, officials or officers, of *shinnin* rank, and so forth. The procession was about two English miles in length. At 6.20 p.m., the Hearse left the Sakaye-machi gate of the Palace, and at 8.45 p.m. crossed Yume-no-ukihashi, the "Bridge of Dreams." Up to this point honours had been paid to the remains as though they represented a person still alive. But a special ritual for the newly dead had now to be gone through. This concluded, the mournful cortêge proceeded, at 9o'clock, to the temple of Senyo, where the funeral service proper was conducted. Some thousand persons took part in this, the ceremonies not concluding till fully half-past twelve o'clock.

The following was the exact order of the procession:—

THE FUNERAL PROCESSION IN KYOTO.

Ten mounted Police-inspectors, five in each line, with a mounted Chief Inspector of Police between.

Companies of Cavalry, Infantry, Commissariat and Artillery, of the Imperial Guard (or of the Osaka Division), a Military Band, a Naval Band, and a battalion of Blue jackets.

Two torch bearers abreast, robed in gray and white.

Two *masakaki* stands, borne by three men, robed as on the occasion of the departure of the casket from Tokyo.

Two torch-bearers abreast.

Twenty white silk brocade banners, ten on each side of the road; each borne by two men.

Two torch-bearers abreast.

Two clerks of the Imperial Mausolea Bureau abreast, robed in ancient ceremonial costume.

Chief of the Bureau in ancient uniform.

Two torch-bearers abreast.

Casket containing votive viands, borne by four men, and flanked by one assistant officer of services.

Rain-coverings flanked by trestles.

Two torch-bearers, abreast.

Casket containing votive viands, borne by four men and flanked by one assistant officer of services; followed by rain-coverings, flanked by trestles.

Two torch-bearers, abreast.

Two assistant officers of services, abreast.

Eight torch bearers on each side of the road and eight officers of services in ancient costume on foot, each escorted by two torch bearers.

The Master of Services on foot, two officers of Services in front and behind.

Eighteen musicians in two lines. Two torch-bearers, abreast.

Twelve halberd-men in rows, six in each.

Two torch-bearers, abreast.

Ten *sakaki* stands, each borne by two men, in two rows, 5 in each.

Two clerks under the Lord Steward to the Empress Dowager, abreast.

Vice-Lord Steward to the Empress Dowager on foot.

Two torce-bearers, abreast.

The Lord Steward to the Empress Dowager, accompanied by a clerk.

Ten master ox-drivers in five rows, two abreast, flanked by torch bearers or clerks of the Court; also 30 assistant ox-drivers in two rows.

The BIER, drawn by three oxen harnessed one after the other; the Bier flanked by eight Peers in waiting, four on either side, and also flanked outward by 20 officers of the Body guard, 10 on either side; decorations and daggers of defence placed on either side of the coffin.

Six torch-bearers, in three rows.

A wheelwright.

Rain-coverings, bearers, and other paraphernalia in three rows. Two torch-bearers, abreast.
The Chief Mourner in ancient robes, on foot.
Two Naval lieutenants, on foot.
Two clerks of the Court, abreast.
Two torch-bearers, abreast.
Three Princes of the Blood abreast, on foot.
Six officials abreast, in full uniform.
Two torch-bearers, abreast.
Vice-Commissioner of the funeral, on foot.
Two torch-bearers, abreast.
Two Commissioners, abreast, on foot.
Two assistant commissioners.
Two torch-bearers, abreast.
Holders of the Grand Cordon of Honour, Ministers of State, Officials and Officers of *Shinnin* rank, &c., on foot.
Military Escort.
Mounted Police Inspectors.

The following was the order of the Procession from the Bridge of Dreams to the Burial-mound:—

Two torch-bearers abreast.
Two *masakaki* stands borne by three men.
Two white silk brocade banners, abreast.
Two clerks of the Imperial Mausolea Bureau, flanked by torch-bearers.
Officer of Services.
Two torch-bearers abreast.
The Master of Services.
Two torch-bearers abreast.
Two halberd-bearers abreast.
Two *sakaki* bearers abreast.
Vice-Lord Steward to the Empress Dowager, flanked by torch-bearers.
Lord Steward to the Empress Dowager, flanked by torch-bearers.
Two rows of torch-bearers.
Two Peers in Waiting, abreast.
The Bier, borne by 70 men in ancient uniform. In front and behind the Bier, two Peers in waiting, walking abreast, and beside them, away from the Bier, two Officers of the Guard; the Bier was flanked by 16 maids of honour, in two rows, eight in each.
Two torch-bearers, abreast.
Two Peers in Waiting, abreast.
Two torch-bearers, abreast.
Trestles and Rain-coverings.
Two torch-bearers, abreast.
The Chief Mourner.
Two naval officers.
Two Clerks of the Court.
Two torch-bearers.
Two Princes of the Blood, with two officers behind each.
Two torch-bearers.
Vice Chief Commissioner of Obsequies.
Two torch-bearers.
Two Commissioners of the funeral.
Two Clerks under the Commissioners.
Officials and others connected with the interment.

When all those admitted to the hall of ceremony at Senzan had taken the seats assigned to them, their Imperial Highnesses Prince Komatsu, as representative of the Emperor, and Princess Komatsu, as representative of the Empress, entered the hall and were conducted by Mr. Saito, a Chamberlain, to the places of honour. At 11.35 a.m., that is to say, 15 minutes after the Imperial Delegates were seated, the ceremony began. The curtain hanging in front of the Bier was rolled up, and the band played one of the funeral marches specially composed for the occasion. The following votive viands were then offered:—hulled rice, *saké*, *mochi*, five kinds of fish (carp, *tai*, spring salmon, *funa*, and *hobo*), a wild goose, a pheasant, a tame duck, a wild duck, six kinds of sea-weed (*arame*, *kanten*, *aonori*, *akakusa-nori*, *mishima-nori*, and *kombu*), radishes, carrots, *mitsuba*, lotus root, turnips, dried persimmons, oranges, cakes, salt, and water.

The Master of Services then reverentially advanced to the Bier and read the following prayer:—

"I, Kuga Kentsu, of the Second Grade of the First Rank, and First Class of the Order of Merit, Master of Services, most reverentially address the departed spirit of the illustrious Empress Dowager, *Yeisho*. The Bier has been laid to rest at this place of ceremony, and the public functionaries and the people, offering before it *nusa* and various votive viands, with most profound respect, are about to perform the ceremony of burial and to lay the coffin in its place of final repose. May the remains most peacefully, tranquilly, and everlastingly rest at this Tsukinowa-yama, where the remains of the ex-Emperor repose."

When the Master of Services, had resumed his seat, Prince Kujyo, an officer of Services, advanced and read the following funeral oration:—

"Now that the coffin of the Empress Dowager Yeisho is about to be laid, with the must profound reverence, beneath the earth of this Tsukinowa-yama, I, Prince Fujiwara Asomi Norimichi, First Grade of the Third of Rank and Sixth Class of the Order of Merit, proceed to recount the memorable events in the life of the Empress Dowager Yeiko. Hearken ye public functionaries and others, present at this place of ceremony, and hearken also ye people of the Realm.

"The Empress Dowager Yeisho was born on Dec. 14, of the 4th year of the *Tempo* era, being the sixth daughter of the former First Minister of State Kujyo Naotada, honoured with the title of *Jun-sankyu*, and of the Second Grade of the First Rank. Her mother was a daughter of the former Councillor, Karahashi Zaiki, of the First Grade of the Second Rank. "Asako" was the personal name of the Empress Dowager. On Dec. the 15th, of the 1st year of the *Kayei* era, she was duly installed in the Imperial Court, and on March the 18th of the 1st year of the *Meiji* era, she received the honourable title of Empress Dowager. In March of the 5th year of the same era, she left Kyoto, and during the following month removed to the detached palace of Akasaka. In July of the 7th year, she moved to the new Palace at Aoyama. In January of the 10th and 20th years of the era, she performed due ceremonials at the resting place of the ex-Emperor, on the occasion of the anniversaries of his demise. This year, it had been her purpose to discharge the same office, going to Kyoto for the purpose, and due arrangements were in progress to that end. But an illness unfortunately contracted, suddenly grew serious, and finally, to the profound regret and pain of all, she died on January 11th, at the age of sixty-five. On

the 30th of the same month she received the designation of *Yeisho Kotaigo*.

"The Empress Dowager Yeisho was of perfectly upright conduct, thrifty, and profoundly benevolent. She took the deepest interest in all the work of women, especially sericulture. She caused a cocoon-rearing room to be established within the precincts of the Palace, and, with admirable condescension, not only took part in the work, but also encouraged the ladies in waiting to follow her example. Justly did the people respect her as the mother of the country. To tranquillize the public mind, agitated and darkened with sorrow, I, Prince Fujiwara, pronounce this eulogy with the deepest reverence."

The reading of this oration concluded, Prince Komatsu, on behalf of the Emperor, and Princess Komatsu, on behalf of the Empress, offered *tamakushi* (a sprig of *sakaki* with *gohei* attached), and thereafter the Prince and Princess were conducted out of the hall by Baron Sannomiya, Lord Chamberlain, and Mr. Nagasaki, a Chamberlain.

Lieut.-General Kurokawa, on behalf of the Crown Prince, next performed the same rite, and was followed by Delegates of the Princesses of the Blood; by the Chief Mourner; by Princes Fushimi, Kanin, Kuni, Kwacho, and Nashimoto. Then followed in order Commissioners of Obsequies, the Korean Ambassador, holders of the Grand Gordon, Ministers of State, Privy Councillors, functionaries of *Shinnin* rank, and so on. Not until half-past 1 a.m. on the 8th inst., did the ceremony come to an end. At about 2 a.m. the coffin was borne out of the hall, and again deposited in the hearse, by which it was slowly conveyed to the place of interment about half an hour later. Arrived at the spot, the Chief Mourner and others took seats prepared in front of the grave, while a maid of honour stood with bowed head at each of the four sides. The coffin was taken out of the hearse, and placed on cross beams spanning the grave. A final prayer was then read by one of the Officials of Services, and the Chief Mourner paid his last respects to the remains. The coffin, which had a covering of silk brocade, was then suspended over the grave, and, the cross beams having been removed, was slowly lowered. So deliberately was this done, that about an hour elapsed before the coffin reached the bottom of the deep grave. Then the Chief Mourner threw his bamboo stick into the grave, and, taking a spade in his hands, shook earth over the coffin. This done, the Chief Mourner and the others officiating rested for a short space in the Senyo Temple, leaving the work of interment to 96 *hocho* (the name of a bird used since ancient times to designate grave-diggers) and their overseers. At about 11 a.m. the interment was completed, whereupon the Chief Mourners and the others came from the temple, and offered sprigs of *sakaki*. They left the grave at noon. Thus more than 22 hours were occupied from the commencement of the ceremony at 2 p.m. on the 7th inst. to its conclusion on the following day.

A point of interest worthy of mention here is that formerly it was deemed disrespectful for men acting as grave-diggers to throw earth upon the coffin of a member of the Imperial Family. Hence those grave-diggers were regarded not as men but as birds, which being devoid of reasoning faculties, perch even upon tomb of an Emperor. It used to be the custom to count the diggers as one, two, or three birds, not as so many men. When this strange fashion originated, history does not say.

DIPLOMATIC
MAR 24 1897
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2D ASSISTANT SECRETARY.
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MAR 24 1897

No. 453.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 23, 1897.

Acknd Mch 25

Mr. Dun

to the Secretary of State.

Subject:

Minister of Foreign Affairs' speech on Japan's foreign policy.

No. 453.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 23, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith a translation, clipped from the "Japan Mail" of the 22nd instant, of a very able and interesting speech upon the foreign policy of Japan, delivered by Count Okuma, in the Lower House of the Diet, on the 15th instant.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Clipping from "Japan Mail" of February 22, 1897.

Enclosure with Mr. Dun's No. 453.

The Japan Daily Mail.

YOKOHAMA, MONDAY, FEBRUARY 22, 1897.

THE SPEECH OF COUNT OKUMA.

We have already published an epitome of the speech delivered by Count Okuma in the House of Representatives on the 15th instant, and we now give a full and accurate translation :—

GENTLEMEN,—It is for the first time that I now address this august House and it gives me the greatest gratification to come before you here and explain my views. When, the other day, at a sitting of the Budget Committee, various questions arose in connection with the expenditures of the Foreign Office, a desire was expressed to be informed as to our foreign policy, but foreign policy not being directly connected with the Budget, though there is an indirect relation between the two, I decided that my reply on the subject at the Committee meeting should be limited to points directly related to the Budget, leaving a fuller exposition to be made before the whole House in session. I propose, therefore, to make a general statement to-day respecting our foreign policy. As you are aware, Ministers of State have frequently, since the first session of the Diet, stated to the House that our foreign policy is based on the principle of opening the country, or, more accurately, of opening and developing the country. I am assured that this foreign policy, or rather national policy, having been fixed and unchanged since the first years of *Meiji*, the principle of opening and developing the country is unalterable either now or in the future. But I consider it necessary to make more or less additions to what has hitherto been stated. If we enquire what points are practically most important in the foreign policy that may be regarded as the national polity of the *Meiji* era, we find that to attain an equal footing with other Powers, as declared in the Imperial Edict at the Restoration, has been the impulse underlying all the national changes that have taken place. It was perceived that in order to attain an equal footing with the Powers, it was necessary to change the national institutions, learning, and education. Hence the replacement of clans by prefectures took place, as well as coinage reform, enforcement of the conscription law, revision of various other laws and promulgation of new ones, establishment of local assemblies, and the granting of local self-government, steps that led at length to the proclamation of the Constitution. This national policy, this so-called opening and development of the country, or in other words, this principle of attaining an equal footing with the Powers, was, I firmly believe, the motive that has enabled Japan to become a nation advanced in civilisation and respected by the world.

What I now desire to add to previous statements on this subject is that foreign intercourse is a very difficult affair, not to be regulated at will by a single country, and that it has now undergone gradual but great changes. Gentlemen, the foreign intercourse of former years was, as you are aware, really of narrow limits, being concerned with the relations between one country and another or a few others. But now, through the enormous development of facilities of transportation and communication, and the close interaction of the world's interests, foreign relations have been greatly transformed. In the affair between England and Venezuela last year, you are aware that the dispute was about a narrow strip of marshy, uninhabited frontier territory, and that the parties to the controversy were, on the one side, England, the greatest Power in the world, with colonial possessions of over ten million square miles in area, and, on the other, the little South American republic of Venezuela. Why, gentlemen, one imagines that it would have cost England, with her great strength, scarcely an effort to overcome the little Venezuela. But it was by no means so easy, for the United States of America immediately interfered. The affair thenceforth was no longer one between England and Venezuela alone, but between England and North and South America. The ground of that interference was the Monroe doctrine, which, as you are aware, was enunciated long ago, with the object of averting the spread of European influence in North and South America. Thus the affair no longer concerned the two Americas and England alone: it became a general international question, for the exclusion of European influence from America was naturally a matter of grave importance to Europe, which has many colonial possessions in the New World. Thus a question that originally concerned a small colony came to assume a general international character.

Take another instance, also relating to England. Last year, a dispute arose between England and the Transvaal. It was due simply to an attempt by travellers, or employés of a company, to effect a revolution in the Transvaal. The affair itself was trivial; but though it arose in a little South African republic, a country having almost the character of a British protected State, it gave rise to complications between Germany and England, and at one time threatened almost to involve the two Powers in war. This dispute between Germany and England was not confined for long to those two countries. It extended apparently to the German Triple Alliance and other Powers, and thus became also a general international affair. In truth, the limits of foreign intercourse have gradually widened to such an extent that a very small affair becomes of concern to the whole world. The war with China in the 27th and 28th year of *Meiji* originally concerned only Japan and China, and did not touch other Powers in any way. But even this led, in the latter year, to the interference of the three of the most influential Powers of continental Europe. Thus it also became a general international question. In consequence of the war between Japan and China, it has come to pass that, whereas the expression "Eastern Question" used to apply only to the world-famed problem of Eastern Europe, it now possesses the dual significance of the near-Eastern, or the Far-Eastern, Question. In a word, the sphere of foreign intercourse has so greatly widened that the slightest incident may effect the interests of the whole world.

I desire here to emphasize the facts that foreign intercourse must above all things be planned on a large scale, for all diplomatic projects have immediate interest for the whole world, and that, since foreign policy, or rather national polity, must be fixed, unchanged, and continuous, the best method of diplomacy is to adhere strictly to the principles of International Law. Now, to adhere to the principles of International Law, diplomacy must be based on justice. The power of justice is great, for it is sure to enlist the sympathy of the whole world. Having devoted herself for years with ardour and diligence to national progress, and having come to enjoy the great friendship of the Powers of Europe and America, Japan, which for forty years past has been fettered with disadvanteous treaties, has now advanced to such a position that, in accordance with the principles of International Law, she is recognised as a truly independent Power, and, in conformity with international usage, is accorded the treatment of an equal. This is, in fact, the result of her own progress; and of England's consent, in precedence of the rest of the world to a revision of the existing Treaties; consent which was followed by a similar ample expression of good-will and agreement to Treaty Revision by the other Powers of Europe and America. Thus Treaty Revision, which has for decades been a great object with us, has been accomplished, the only Power that has not yet effected Revision being Austro-Hngary, and the negotiations with her are sure, sooner or later, to be successfully concluded. Japan will thus have attained a position of equality with the world.

It has hitherto been contended, as you are aware, even by great jurists, that extra-territoriality should be exercised in all non-Christian countries and among all other than white races. But that theory has gradually been abandoned, and Japan, having based her progress upon justice, and received the just support of the world, has, though outside the pale of Christendom and the white races, succeeded in attaining a position of equality with them. If, therefore, we would reap all the fruits of Treaty Revision, we must make still greater efforts to develop our country. There is no doubt that the country will progress, and its advance will go hand in hand with diplomacy. We must adopt that best type of diplomacy which, based on justice, approaches most closely to International Law. This is not a mere statement of my own, that is to say, of Okuma individually. It is my declaration as a representative of the polity of the *Meiji* era. The kind of diplomacy that changes with its director is most pernicious and dangerous. There have been many instance of temporary success obtained by extraordinary genius, or through extraordinary diplomacy; but such successes are as fragile as towers built on the sand. That is what I mean by saying that foreign policy is fixed, immovable, and unchangeable, and that foreign policy which changes with its director is pernicious. This has been the definite and settled view held since the first years of the *Meiji* era, though there may have been occasional errors. It is my intention to follow loyally and sincerely the principle I have just referred to, with due regard for the national Constitution, and in obedience to the spirit of progress, and I do not think there can be much error in carrying out such a policy.

Happily our foreign relations are at present very cordial. I am assured that whatever slight differences may exist, will be readily settled. These foreign relations will, in my opinion, eventually lead to a most cordial friendship towards Japan. Powers that, up to the present, have felt more or less coldly towards us, will turn out to be the most friendly.

In respect of the general policy, that is, the policy of the *Meiji* Government, I have made but slight observations in addition to what has already been frequently stated. Before closing, I desire to make a few more remarks. Since Japan, as I have already said, has entered the comity of nations, there is no doubt that all her foreign affairs will be more complicated than ever; and as Japanese interests, commerce, and other matters abroad must extend, the expenses for legations and consulates, which are essentials of diplomacy, can not be avoided. The Budget Committee having recommended more or less reductions in the estimates, I should be glad if possible, to bow to its decision and accept the reductions. But since Japan's position in the world has risen, the work she must do abroad is daily augmenting, and the nation is ceaselessly expanding, so that her flag is to be seen in Europe and America. She is now no longer what she was in the days of her seclusion. I believe it really necessary that her diplomatic expenditures should gradually increase; and though our present finances are by no means ample and every possible economy is necessary, I earnestly desire that, in view of their urgent necessity, the expenditures struck out by the Budget Committee, be restored by the House.

Finally, allow me to add that, in reference to the question put by Mr. Suzuki Jubi and others regarding the arrangement between Japan and Russia, I intend to give a reply, but as it concerns another Power besides Japan, we are consulting that Power on the subject. I believe there will be no objection to the publication of that arrangement. Though newspapers state that the publication will be made in a secret session, I do not desire secrecy, but will give publicly and fully a reply when the time comes.

No. 454.

ASSISTANT SECRETARY.
Copy to Secy of Treasury -
Copy to Senate Finance Committee
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Legation of the United States.

Tokyo, Japan, February 23, 1897.

√ To Treas'y Com.
√ Senate Finance Com.
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Mr. Dun

to the Secretary of State.

Subject:

Proposed change in the standard of value in Japan.

No. 454.

Legation of the United States.

Tokyo, Japan, February 23, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have been informed by Count Okuma that during the present session of the Diet, a Government Coinage Bill will be presented for the consideration of that body which will, if passed, change the standard of value in Japan from silver to gold.

It is proposed to fix the Government parity of, or ratio between the two metals at thirty-two to one. The unit of value will be a gold yen which will be one half the weight and value of the old Japanese gold yen, which is of the same weight and fineness as the gold dollar of the United States. The proposed unit of value will, therefore, be the exact equivalent of fifty cents U.S. money, and, approximately of the same value as the present unit of value in Japan, the silver yen, which, at the current rate of exchange of today is worth about fifty-one cents U.S. money. It is proposed that the smallest gold coin minted shall be a five yen piece.

The further coinage of silver will be limited to subsidiary coins. The silver yen now in circulation will be

maintained

maintained at par with the gold yen by the Government being prepared to redeem them in gold whenever called upon to do so. In this connection it is important to note that there are about one hundred and forty millions of Japanese silver yen in circulation, of which it is estimated that about seventy millions are in circulation as money in China and the English, French and other colonies and settlements in the East. Should the ratio between gold and silver become greater than one to thirty-two, the tendency would seem to be to drive the outstanding silver coin back to Japan for redemption.

The vernacular Press reports considerable dissatisfaction among the manufacturing and commercial classes with the proposed change of standard, and it is reported that the Cotton Spinners Association have prepared a protest against it to present to the Diet. Those interested in Manufactures in Japan are at present very prosperous and satisfied with the returns their investments are bringing in. They are, naturally, as a class, not disposed to view favorably a proposed change, the effects of which upon their interests they have no means of determining beforehand.

It is generally believed, however, that the Government Bill will, in perhaps a modified form, become a law.

It is supposed that the principal object the Government has in view in bringing about the change is to enable it, should such a measure become necessary or expedient, to negotiate a loan in Europe on better terms than would be possible, as they believe, if Japan remained on

a silver basis.

I have the honour to be,

Sir,

Your obedient servant,

Edwin Dun.

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2D ASSISTANT SECRETARY.
Ack & file. aak
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No. 455.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 5, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Patent and Trade Mark Convention.

No. 455.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 5, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt yesterday evening of your instruction No. 385, of date February 3, 1897, together with the exchange copy of the convention between the United States and Japan, concluded at Washington, January 15, 1897, securing immediate reciprocal protection of patents, trade marks and designs; and also of a full power authorizing me to effect the exchange of the President's ratification of that convention for that of the Government of Japan with the duly authorized representative of that Government.

I have, this morning, personally notified H. I. J. M's. Minister for Foreign Affairs of the receipt by me of your instruction and of its enclosures and was informed by him that the Japanese exchange copy of the convention would be submitted to-day to the Emperor for his ratification and that he -Count Okuma- would be prepared to effect with me the exchange of ratifications at a very early day, probably not later than the 8th or 9th instant.

Upon the exchange of ratifications, in compliance with your instruction [illegible]

your instruction, I shall immediately telegraph to the Department the day on which they were effected.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
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2D ASSISTANT SECRETARY.
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MAR 29 1897

No. 456.

Legation of the United States.

Tokyo, Japan, March 5, 1897.

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Jackish
March 30.

Mr. Dun

to the Secretary of State.

Subject:

Enclosing translation of publication by Count Okuma, of the understanding between Japan and Russia in regard to Korea.

No.456.

Legation of the United States.

Tokyo, Japan, March 5, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honour to enclose herewith, a translation, clipped from the "Japan Mail" of the 4th. instant, of a speech delivered by Count Okuma, H.I.J.M's Minister for Foreign Affairs, in the Lower House of the Diet on the 25th. ultimo, in which he made public the understanding that exists between Japan and Russia in regard to Korea.

As you will observe, the understanding is set forth in a protocol and memorandum.

The protocol was signed at Moscow on the 9th. of June, 1896, by Marshal Yamagata, special Ambassador from Japan to the Emperor of Russia, and Prince Lobanow, at that time Russian Minister for Foreign Affairs. The memorandum was concluded at Seoul on the 14th. of May, 1896, by Mr. Komura at that time Japanese Minister to Korea, and Mr. Waeber, the Russian Charge d'Affaires at Seoul.

In his speech Count Okuma reviews the relations between Japan and Korea for the past thirty years that led up to the understanding with Russia and states the reas-

ons

reasons that, from a Japanese point of view, made it necessary.

I am informed that the translation, herewith, was submitted to and approved by the Foreign Office before publication.

I have the honour to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Translation of publication by Count Okuma of the understanding between Japan and Russia in regard to Korea.

Enclosure with Mr. Lewis No. 456.

COUNT OKUMA IN THE HOUSE OF REPRESENTATIVES.

On February 25th, Count Okuma, Minister of Foreign Affairs, addressed the House of Representatives as follows:—

GENTLEMEN,—It is my intention at this time to reply to the interpellations of Mr. Suzuki Jubi and others, and Mr. Inouye Kakugoro, etc., respecting the understanding between Japan and Russia; and the Korean railway, and other cognate subjects respectively. With regard to the understanding with Russia, I will to-day make public the Protocol entered into between Marshal Yamagata, our Special Ambassador, and the Russian Minister for Foreign Affairs at Moscow, and also the Memorandum concluded at Sōul by the Japanese and Russian Representatives. It is important, however, that I should in the first place briefly explain the necessity for such an agreement. I propose, therefore, at the outset to describe succinctly the modern diplomatic relations between Japan and Korea; then to give the reasons why the agreement between Japan and Russia was unavoidable, and finally, after making public the two engagements, I will reply to the questions propounded. Though much of what I have to say is, of course, familiar to you, I shall deal with the subject in historical sequence, touching first upon the course of diplomacy between Japan and Korea.

First, immediately upon the inauguration of the *Meiji* era, notice was given to Korea, but as the Korea Government had up to that time had no diplomatic relations, except the intercourse with Japan at Fusan and the trade with China at Wiju, she never accepted this notice of the Restoration. A similar announcement was frequently despatched but as often that Government failed to accept it. Our Government sent officials to Fusan to expostulate, but with no better success. Seven or eight uneventful years intervened and then relations between Japan and Korea were most unexpectedly established owing to the firing of a Korean coast fort in Kanghwa Bay upon a Japanese man-of-war. In consequence of that attack, Counts Kuroda and Inouye were, in 1876, despatched to Korea as Plenipotentiaries to demand an explanation and to conclude, at the same time, a treaty of friendship between the two countries. It was a very complicated matter; but, the Korean Government, recognizing the general tendency of the world, was no longer in a position to refuse diplomatic relations, and a treaty was happily peacefully signed between Japan and Korea. Later, in 1882, arose the Sōul disturbance, followed by another in 1884. The latter was one of serious moment, for if it had not been adjusted, it might have caused complications between Japan and China. Fortunately, however, it was amicably settled by the agreement of Sōul between Japan and Korea and the Treaty of Tientsin between Japan and China. After that, came the domestic disturbances in 1894, on account of which both Japan and China sent forces to Korea, and unhappily a collision between them led eventually to the war which extended over 1894 and 1895. The conflict, happily, was brought to a peaceful issue, but immediately upon the conclusion of the Treaty of Bakan unexpectedly arose the Liaotung question, in which the Governments of Russia, Germany, and France intervened in connection with the cession of that Province. Although this gave rise at the time to a great deal of discussion throughout the Empire, the Japanese Government, firmly believing the object of the three Powers to be the maintenance of the peace in the Orient, retroceded Liaotung in conformity with their advice.

What was the effect upon the state of Korea? Japan having entered upon the struggle in alliance with Korea and having acquired territory in consequence of her victory, the King and people of Korea, were deeply touched by the chivalrous action of Japan, and they were highly elated to think that their country had happily become a truly independent Power. The retrocession of Liaotung created doubts in the Korean mind. The condition of Korea had in the meantime undergone a slight change, and unfortunately in October, 1895, there occurred a disturbance at Sōul. That was followed by another in February, 1896; and consequently the sentiments of Japan and Russia in regard to their relations in Korea were or less impaired. The situation was disquieting; and it was, I am assured, to allay apprehensions that the necessity arose for an understanding between Japan and Russia. But, as is well known to those gentlemen here who are familiar with Korean history, Korea, being surrounded by great Powers, secures peace by relying upon a stronger neighbour. Korea always maintains her position by her confidence in the power of a great nation; and hence since her diplomatic relations were established, changes in this respect have frequently taken place. Next, when foreign intercourse was inaugurated, His Majesty the King of Korea was still young and the kingdom was governed by a Regency. Following the opening of the country for the first time, there were, as everywhere else, demands, on the one hand, for the closing of the ports and the expulsion of foreigners and, on the other, for the opening of the ports, and subsequently dissensions arose between the conservative and progres sive parties. Again, as is frequently seen in the history of China and Korea, a collision took place between the Queen's entourage and the Royal family, which, by affecting the international relations of the country, brought various parties into activity. Then came into existence the Jidaito Party, to be followed by various other combinations such as the pro-Chinese, the pro-Japanese, the pro-Russian, and the pro-American parties. His Majesty, the reigning King of Korea, is not a man of ordinary parts nor is he in any way cruel; but, as is frequently found in Chinese and Korean history, the King, being obstructed or overpowered by the Queen's followers, or by other members of the Royal family, or by his eunuchs, has caused a great many persons to suffer death within the last thirty years. For fear is supposed to grow as the list of persons put to death is lengthened. The mutual suspicions harboured by different members of the Royal family led, I believe, to the disturbances of October, 1895, and February 1896. This is most deplorable, and certain parties in Korea appear, in consequence, to have felt that the influence of Japan was injurious to their country's interests. It is to be regretted that such misguided people should have attempted to alienate the good will of Japan, and so expel Japanese residents. No differences have ever existed between Japan and Russia; but there have been many things in the conduct of domestic parties—the pro-Japanese, pro-Russian, and pro-American—which have tended to injure the amicable feelings of the two countries Hence, the necessity for adopting measures to

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compose distrust and to prevent misunderstandings between Japan and Russia. The Moscow protocol, which was the result of this necessity, was concluded by Marshal Yamagata and the Russian Minister for Foreign Affairs. I will now read the protocol signed at Moscow :—

PROTOCOL.

Marshal the Marquis Yamagata, Ambassador Extraordinary of His Majesty the Emperor of Japan, and the Secretary of State Prince Lobanow Rostovsky, Minister for Foreign Affairs, having exchanged their views on the situation in Korea, have agreed to the following articles:—

Art. I.—The Japanese and Russian Governments, with the object of remedying the financial embarrassment of Korea, will advise the Korean Government to suppress all useless expenditures and to establish an equilibrium between the disbursements and revenue. If, in consequence of reforms, deemed indispensable, it becomes necessary to have recourse to foreign loans, the two Governments shall lend, by common accord, their support to Korea.

Art. II.—The Japanese and Russian Governments shall leave to Korea, in so far as the financial and economic conditions of that country will permit, the creation and maintenance of indigenous armed forces and police in sufficient proportions to maintain internal order without foreign aid.

Art. III.—With a view to facilitate communication with Korea, the Japanese Government shall continue to administer telegraphic lines actually held in their hands. It is reserved to Russia to construct a telegraph line from Sōul to her frontiers. These different lines can be purchased by the Korean Government as soon as they shall have the means to do so.

Art. IV.—In case the above expressed principles should require a more precise and detailed definition or if subsequently other points should arise upon which it may be necessary to concert, the Representatives of the two Governments shall be charged to amicably come to an understanding.

Done at Moscow 9th June, / 28th May, 1896.

(Signed) YAMAGATA.
LOBANOW.

The following is the Memorandum which was concluded at Sōul :—

MEMORANDUM.

The Representatives of Russia and Japan at Sōul, having conferred under identical instructions from their respective Governments, have arrived at the following conclusions :

1. While leaving the matter of His Majesty the King of Korea's return to the Palace entirely to his own discretion and judgment, the Representatives of Russia and Japan will friendly advise His Majesty to return to that place when no doubt concerning his safety there could be entertained.

The Japanese Representative, on his part, gives the assurance that the most complete and effective measures will be taken for the control of Japanese *soshi*.

2. The present Cabinet Ministers have been appointed by His Majesty at his own free will and most of them have held Ministerial or other high offices during the last two years and are known to be liberal and moderate men.

The two Representatives will always aim at recommending to His Majesty to appoint liberal and moderate men as Ministers and to show clemency to his subjects.

3. The Representative of Russia quite agrees with the Representative of Japan, that in the present state of affairs in Korea, it may be necessary to have Japanese guards stationed at some places for the protection of the Japanese telegraph line between Fusan and Sōul, and that these guards, now consisting of three companies of soldiers, should be withdrawn as soon as possible and replaced by gendarmes, who will be distributed as follows: Fifty men at Taku, fifty men at Ka-heung, and ten each at ten intermediate posts between Fusan and Sōul. This distribution may be liable to some changes, but the total number of the gendarme force shall never exceed two hundred men, who will afterwards gradually be withdrawn from such places where peace and order have been restored by the Korean Government.

4. For the protection of the Japanese settlements at Sōul and the open ports against possible attacks by the Korean populace, two companies of Japanese troops may be stationed as Sōul, one company at Fusan, and one at Gensan, each company not to exceed two hundred men. These troops will be quartered near the settlements and shall be withdrawn as soon as no apprehensions of such attacks could be entertained.

For the protection of the Russian Legation and Consulates the Russian Government may also keep guards not exceeding the number of Japanese troops at those places, and which will be withdrawn as soon as tranquillity in the interior is completely restored.

J. KOMURA,
Representative of Japan.
J. WAEBER,
Representative of Russia.

This is the Sōul Memorandum. Neither the Protocol nor the Memorandum limits or impairs in the least the independence of Korea. Russia and Japan are completely in accord regarding the maintenance of the independence of the Peninsular Kingdom, and therefore both Powers, I am certain, will hail with delight the restoration of order and the advancement of civilization in Korea. The disturbances and discontent in Korea are daily diminishing, and riots have also been suppressed. The feelings of the Korean officials and people towards Japanese are also improving. Whereas, at one time, Japanese could not travel or trade outside Sōul, Fusan, Jinsen, and Gensan, they are now welcomed throughout the eight provinces of the Kingdom. At Phyong-yang, which was at one time entirely deserted by Japanese, they can now trade in safety. They also carry on their business as far north as Wiju on the Yalu, the river which marks the Chinese boundary. The hostility that existed formerly between the Japanese merchants and others in Korea on the one hand, and the Koreans on the other, has most unexpecteely disappeared and been replaced by friendlier sentiments. The trade of the two countries is undisturbed and has a tendency to increase ; and in the same manner, the relations between the two Governments are also very cordial. The suspicions of His Majesty King of Korea have also been dispelled. In November last, when His Imperial Highness Prince Komatsu Yorihito visited Sōul in his capacity of a naval officer, His Korean Majesty, though then living as the Russian Legation, went to his palace and received him with the heartiest expression of welcome and goodwill. This is sufficient to indicate the great change that has taken place in the King's

III

sentiments towards Japan. It is also a proof of the intimate relations of the two countries that His Majesty, upon hearing of the demise of Her Majesty the Empress Dowager lately, expressed the deepest sympathy, and immediately despatched an Ambassador to attend the funeral and at the same time ordered Court mourning. This not only shows the great intimacy existing between the sovereigns, but it indicates the good relations between their respective subjects. The kindly sentiments and cordial feelings which characterize the intercourse between Korea and Japan will, I am sure, be regarded with great satisfaction by the Russian Government, because the actual present situation is a realization of what that Government has been aiming at. Thus the dark cloud which hung over the Orient has now entirely disappeared. This is a matter of high congratulation, and at this auspicious moment it gives me the greatest pleasure to make public to you the understandings between Japan and Russia. I will now reply to the interpellations. As to Art. I. of Mr. Suzuki's enquiries, there is no need to reply to it, as I have laid before you the Russo-Japanese agreements. Respecting Art. II., that is, the despatch of military officers to Sōul and the training of Korean troops, it is a fact, but as I have just now read you, this has no connection whatever with the Russo-Japanese undertaking. I must, however, add a few words in this connection. Russian officers appear to have been sent at the request of the King of Korea, and no diplomatic question is involved in it. As to Art. III., respecting the alleged loan of three million *yen* by the Russo-Chinese Bank on the recommendation of the Russian representative at Sōul, it is not true, though there is no doubt that there was such a proposal. The matter was also broached by the Russian *Chargé d'Affaires*, but it has not yet been consummated. If Korea should borrow this money from a third country, that fact would of course more or less affect the friendly and financial relations of Japan and Russia with Korea. Accordingly the Japanese Government intends not to fail to promote in every way the convenience of Korea. As the matter is thus made clear, there is no need to reply to Arts. IV. and V., of the interpellation.

Next, I will reply to the questions put by Mr. Inouye and others. In my reply to the question regarding the Sōul Fusan Railway, to the effect that it could not be undertaken single-handed by a Power, my language was not clear enough or else the reporter did not quite understand me. I deem it necessary, therefore, that I should here explain my meaning fully. A matter of international concern like this cannot be settled by a power single-handed; if it could be, I should have settled it. There is Korea to take into account, and it is possible in international affairs that a third Power might be interested under certain circumstances. Such was my statement at the time. The condition of Korea was, as I have already said, such that the various party intrigues, coupled with the King's apprehensions, made it impossible for His Majesty to remain in his Palace, consequently matters like the railway question cannot be settled so hurriedly. As it is apparent that there is no intention to renounce an undertaking once concluded, you will wait for a short while. The time will come when the Korean Government will surely fulfil its engagements. I have, in the meantime, the pleasure to announce to you the happy tidings, which I believe you doubtless already know from the papers, that His Majesty the King of Korea had returned to his palace and the new Cabinet appears to be a very strong one, but I am without details, as I have not received any later reports. If the King feels secure and a strong Cabinet is maintained, this engagement is sure to be fulfilled. I do not fear Korea neither do I contemn her. In the fulfilment of this engagement, there is nothing requiring us to defer to another country; and there need not be the least hesitation in claiming our just rights. But we cannot, taking advantage of others' difficulties, rely on the strong and oppress the weak. That is impossible in view of our national reputation. But the time (for the fulfilment of the engagement) will soon come; I am confident it will not be long.

ASSISTANT SECRETARY
MAR 29 1897
DEPARTMENT OF STATE.

No. 457. INDEX BUREAU
RECD.
MAR 27 1897
DEPT. OF STATE.

Legation of the United States.

Tokyo, Japan, March 5, 1897.

DIPLOMATIC
MAR 29 1897
BUREAU.

Mr. Dun

to the Secretary of State.

To Treasury
& Senate Finance Committee
Mch. 30

Subject:

Enclosing translation of the new Coinage Law, and the opinions of the vernacular Press on the new Coinage System.

No. 457.

Legation of the United States.

Tokyo, Japan, March 5, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

Referring to my despatch No. 454, of date the 23rd. ultimo, I now have the honour to enclose herewith a translation clipped from the "Japan Mail" of the 3rd. instant of the new Coinage Law submitted by the Government on the Ist. instant.

I also have the honour to enclose herewith an Editorial clipped from the "Japan Mail" of the 4th. instant, entitled "Opinions of the Vernacular Press on the new Coinage System".

I have the honour to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

I. Translation of the new Coinage Law.

2. " " " opinions of the vernacular Press on the new Coinage System.

DIPLOMATIC
MAR 29 1897
BUREAU.

2D ASSISTANT SECRETARY.
Ack.
MAR 29 1897

No. #

INDEX BUREAU
REC'D.
MAR 27 1897
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, March 5th, I897.

Recd. Mch 30.

Mr. Miller

to the Secretary of State .

Subject:

Has returned to his post and re-assumed the duties of his office.

No. #

Legation of the United States,
Tokyo, Japan, March 5, 1897.

Honorable Richard Olney,
Secretary of State,
Washington.

Sir:-

I have the honor to inform you that, having left my home in New York on the 5th ultimo, I arrived at Yokohama yesterday, the 4th instant, and have to-day re-assumed the duties of my office.

I have the honor to be,
Sir,
Your obedient servant,

Ransford S. Miller Jr.

Letter to President March 9 1897

TELEGRAM RECEIVED IN CIPHER.

From Tokio, March 8th, 1897.

DIPLOMATIC
MAR 8 1897
BUREAU.

Confirmed March 10

Secretary of State,

Washington.

March eighth the ratifications were exchanged of the trade mark convention to-day.

Dun.

Biddle.

DIPLOMATIC
MAR 9 1897
BUREAU.

Legation of the United States
Tokiyo, March 9, 1897

Confirming
To Treasury
March 9

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

CHIEF CLKS. OFFICE
RECEIVED

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All Offices (21,000) of the Western Union Telegraph Company and its Connections.

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BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
A7NY	NB MG	19	Govt Tokio	

RECEIVED at Washington DC MAr 9th -97704AM. 189

Secretary State, Washington

March ninth Japan will enforce amended rules prevention collisions at Sea from July first next Dun.

DIPLOMATIC
APR 6 1897
BUREAU.

No. 458.

2D ASSISTANT SECRETARY.
Suitable acknowledgment
APR 6 1897

INDEXED AND FILED
RECD.
APR 6 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 11, 1897.

Acknd. Apl. 15.

Mr. Dun

to the Secretary of State.

Subject:

Exchange of ratifications of patent and trade-marks convention.

No.458.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 11, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that the convention concluded January 13, 1897, between the United States and the Empire of Japan, for the immediate reciprocal protection of patents, trade-marks and designs, was ratified by the Emperor of Japan on the 6th instant. Count Okuma, H. I. J. M's. Minister for Foreign Affairs, having received from the Emperor full powers for that purpose, I met him by appointment at the Foreign Office at three o'clock on the afternoon of the 8th instant and, after communicating to each other our respective full powers, effected with him the exchange of ratifications of the convention, as instructed by you in your No. 385 of date February 3, 1897.

I have the honor to enclose herewith, under separate cover:-

1. The exchange copy of the convention received by me from Count Okuma, the representative of the Japanese Government.

2. A certificate of the exchange of ratifications, signed by me and Count Okuma.

3. My full power authorizing me to effect the exchange of ratifications.

In

In this connection, I have the honor to confirm my telegram to you, of date the 8th instant, reading as follows:-

"March eighth. The ratifications were exchanged of the trade-marks " convention to-day".

I have also the honor to inform you that I have notified the Consul General of the United Statesat Kanagawa of the exchange of ratifications of the convention, and have also caused to be published in the three principal English newspapers of Yokohama, for the information of American citizens in Japan, a notice to the same effect and that they could now obtain the same protection as Japanese subjects for their patents, trade-marks and designs, by complying with the requirements of the laws of Japan in regard to applications for such protection.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. Japan's enchange copy of convention as above.
2. Certificate of exchange of ratifications as above.
3. My full power.

DIPLOMATIC
APR 6 1897
BUREAU.

2D ASSISTANT SECRETARY.
Copy to Treasury to complete
its files.
Ack. by Number and File.
APR 6 1897

No. 459.

INDEX BUREAU
RECD.
APR 6 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 11, 1897.

To Treas. Apl. 8

Mr. Dun

to the Secretary of State,

Subject:

Japan agrees to amended rules for prevention collisions at sea.

No. 459.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 11, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

On the 8th instant, I was verbally informed by Count Okuma, H. I. J. M's. Minister for Foreign Affairs, that, in consequence of the representations made through me by my government, urging upon Japan the advisability of assenting to the amended Washington rules for the prevention of collisions at sea, to take effect on American vessels on and after July 1st, 1897, his government had re-considered their decision in regard to this matter, (which decision I communicated to the Department in my No. 444 of date January 18th, last), and had decided to adopt the amended rules and to put them into effect on July 1st, 1897, the date fixed by the President's proclamation of December 31 last.

In confirmation of his verbal communication, I have received a note dated the 8th instant, from Count Okuma, to the same effect, a copy of which I have the honor to enclose herewith.

Deeming this information of sufficient importance to justify its communication to you by wire, I sent you a telegram on the 9th instant, which reads as follows:-

"March ninth. Japan will enforce amended rules prevention

" prevention collisions at sea from July first next."

In this connection, I have the honor to refer you to my despatch No. 450, of date February 5th last, reporting to the Department my representations to the Japanese Government in regard to this matter.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Count Okuma to Mr. Dun, March 8th, 1897.

closure No. 1 with Mr. Dun's No. 459.

Department of Foreign Affairs,

Translation- Copy. Tokio, 8th day, of the 3rd month,

of the 30th year of Meiji.

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Sir:-

In reference to Your Excellency's Note No. 206 of date January 19, urging the Imperial Government for the simultaneous adoption of the amended rules for the prevention of collisions at sea, which are to be put in force on July 1, of this year, and Note No. 211 of February 5, explaining its advisability still further, I have the honor to state that the Minister of Communications, to whom the matter was referred on both occasions, informs me that the Imperial Government, agreeing to all the amendments, is taking the necessary steps with the view of amending our present regulations for preventing collisions at sea in conformity with those adopted by Your Excellency's Government, and enforcing the same from July 1, of this year.

I avail myself etc., etc., etc.

(Signed) Count Okuma Shigenobu

Minister for Foreign Affairs.

Legation of the United States
Tokyo, March 12, 1897

CABLE MESSAGE.

E WESTERN UNION TELEGRAPH COMPANY

INCORPORATED

RLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, and subject to d printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT. President and General Manager.

ASSISTANT SECRETARY
MAR 12 1897
DEPARTMENT OF STATE.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
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MBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
6 NY	NB MC	13	Govt	Tokio

Washington, D. C. March 12th-97 645AM Compared Mail 12

EIVED at _____ 189

Mr Cridler

ecretary State,

Washington, (DC).

rch twelfth emperor ratified trade mark convention march sixth

n.

DIPLOMATIC
APR 6 1897
BUREAU.

2D ASSISTANT SECRETARY.
Ask by Number and File.
APR 6 1897

No. 460.

RECEIVED
APR 6 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 12, 1897.

Mr. Dun,

to the Secretary of State .

Subject:

Confirming telegrams .

No. 460.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 12, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to append on overleaf the readings of my telegrams of the 8th, 9th and 12th instant, and of the Department's telegraphic instruction of the 11th instant.

I have the honor to be,

Sir,

Your obedient servant,

(Over.)

(Telegram.)

"Tokio, March 8, 1897.

"Secretary of State, Washington.

"March eighth. The ratifications were exchanged of

"trademarks convention to-day. Dun."

(Telegram.)

"Tokio, March 9, 1897.

"Secretary of State, Washington.

"March ninth. Japan will enforce amended rules

"prevention collisions at sea from July first next. Dun."

(Telegram.)

"Tokio, March 12, 1897.

"Secretary of State, Washington.

"March twelfth. Emperor ratified trade mar

"convention March sixth. Dun."

(Telegram.)

"Washington, March 11, 1897.

"Dun, Minister, Tokio,

"Cable date Emperor's ratification trade m

"convention. Rockhill."

DIPLOMATIC
APR 6 1897
BUREAU.

2D ASSISTANT SECRETARY.
Ask by Number and File.
APR 6 1897

DIPLOMATIC
APR 14 1897
BUREAU.

No. 461.

INDEX BUREAU
REC'D.
APR 6 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 12, 1897.

Mr. Dun,

to the Secretary of State.

Subject:

New Coinage Bill passed by Lower House.

No. 461

LEGATION OF THE UNITED STATES,
Tokio, Japan, March 12, 1897.

Honorable Richard Olney,
Secretary of State,
Washington, D. C. .

Sir:-

. I have the honor to inform you that on yesterday, the 11th instant, the new Coinage Bill, a translation of which I enclosed to you with my No.457 of date the 5th instant, was passed by the Lower House of the Japanese Diet after a very short discussion, and was then sent to the Upper House for its action.

The vote in the Lower House on the final reading of the Bill has not yet been given in the Official Gazette.

I have the honor to be,
Sir,
Your obedient servant,

Edwin Dun

DIPLOMATIC
APR 18 1897
BUREAU.

2D ASSISTANT SECRETARY.
DIPLOMATIC BUREAU.
APR 19 1897

No. 462.

INDEX BUREAU
RECD.
APR 19 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 23, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Rules for prevention of collisions at sea.

DIPLOMATIC
APR 18 1897
BUREAU.

2D ASSISTANT SECRETARY.
DIPLOMATIC BUREAU.
APR 19 1897

No. 462.

INDEX BUREAU
REC'D.
APR 19 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 23, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Rules for prevention of collisions at sea.

No. 462.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 23, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that a bill adopting the amended rules for the prevention of collisions at sea, to correspond with the rules to be enforced by the United States on and after July 1st next, was passed by the Upper House of the Japanese Diet on the 19th instant.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Printed in Consular Reports. Sept. 1897

File

DIPLOMATIC
APR 18 1897
BUREAU.

No. 463.

INDEX BUREAU
RECD.
APR 19 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 23, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Japanese Budget and Statutory Tariff Bill.

No. 463

~~LEGATION OF THE UNITED STATES.~~

Tokyo, ~~Japan,~~ March 23, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to ~~inform you~~ state that the Budget for the year 1897 has been passed without amendment by both branches of the ~~Imperial~~ Japanese Diet, it having received the approval of the House of Peers on the 19th instant, and that a statutory tariff bill, regulating the customs dues to be levied in all cases wherein Japan is not bound by treaty stipulation, was passed by the Lower House of the Diet on the 17th instant.

As these bills have not yet appeared in the Official Gazette, the publication being contingent upon their receiving the approval of the Emperor, I am unable to send translations by this mail, but hope to forward them by the next outgoing steamer.

~~I have the honor to be,~~

~~Sir,~~

~~Your obedient servant,~~

Yokohama, March 23, 1897.

Edwin Dun

Minister

3

TRANSLATION OF JAPANESE BUDGET FOR 1897.

BUDGET FOR THE 30th YEAR OF MEIJI

(1897).

Revenue.

Ordinary Revenue:

	Yen
I.- Taxes	90,084,459.179
Land Tax	38,668,991.130
Income Tax	1,905,696.123
Saké Tax	29,823,852.836
Tax on Alcohol	8,556.188
Tax on Tobacco	2,234,146.867
Tax on Deeds and Certificates,	981,284.311
Tax on Soy	1,479,994.746
Export duty on Liquors of Okinawa Islands	46,310.999
Tax on Exchange Business,	684,001.316
Tax on National Banks	117,096.234
Tax on Drugs	887,328.999
Tax on Ships	10.872
Tax on Mining Business	281,000.849
Tax on Hokkaido Marine Products,	366,023.302
Hunting Licenses	149,166.60
Business Tax	5,874,168,487
Customs Duties	6,626,829.320
II.- Revenue from Stamps	7,525,616.111
III.- Receipts from Government Industries and Properties	21,280,598.341

Revenue from Patent Leaf Tobacco,	859,698.000
Revenue from Official Gazette,	185,077.860
Miscellaneous Customs Receipts,	201,726.911
Revenue from Hokkaido Pastures,	971.328
Forest Revenues ----------	1,359,773.022
Postal and Telegraph Receipts ,	12,132,137.494
Revenue from Convict Labor ----	258,942.310
Sale of Medicinal Opium -------	16,813.900
Rental of Official Property ---	395,610.604
Sale of Scales and Measures ---	101.321
Profits of Mint Bureau --------	270,589.051
Profits of Printing Bureau ----	167,177.833
Profits from Mines ----------	1,935.000
Profits of Senji Woolen Factory,	2,173.575
Profits from Railway ----------	5,425,773.387
Profits from the Manufacture of Telegraphic and Light-House Articles ----------	3,096.755
IV.- Miscellaneous Revenue ---------	795,386.908
Various Licenses and Fees -----	4,974.867
Penalties and Confiscations ---	287,634.076
Indemnities ----------	78,231.744
Miscellaneous Receipts --------	27,585.561
Pensions to Survivors of Government Officers ----------	122,648.874
Pensions to School Directors and Licensed Teachers, and Aids to Their Survivors -------	16,100.438

Revenue from Okinawa Prefecture,	10,083.256
Revenue from Ogasawara Islands,	628.092
V. - Interest on Money Deposits -----	1,724,185,000
Total Ordinary Revenue	121,410,245,539

B.- Special Revenue:

I.- Sale of Government Property ----	557,831.854
Sale of Mines ----------	253,928.000
Sale of Lands ----------	31,564.450
Sale of Buildings ----------	6,427.033
Sale of Articles ----------	217,135.025
Sale of Cattle ----------	19,997.446
Sale of Articles belonging to Poronai Coal Mine and Railway -----	28,779.900
II. - Miscellaneous Receipts -------	298,767.682
Receipts from the Building or Repairing of Ships by the Navy Dep't,	10,764.662
Money Refunded ----------	184,423.020
Miscellaneous ----------	7,280.000
III.- From the Manufacture and Sale of Public Bonds ----------	8,357.589
IV.- Supplementary Funds for Building	
Men-of-War ----------	2,099,519.591
Imperial Grant ----------	300,000.000
Donations ----------	1,799,519.591

V.- Compensation for Guarding Weihaiwei	75,000.000
VI.- Donations from Districts ------	361,300.000
VII.- Public Bonds ----------	5,928,600.000
VIII.- Balance from Last Fiscal Year,	1,573,783.227
IX.- Indemnities ----------	4,441,177.138
Total Special Revenue	118,340,337.087
Grand Total Annual Income	239,750,582.620

Correct Translation

R. A. Miller

U. S. Interpreter
of Legation.

EXPENDITURES.

Ordinary Expenditures.

I. Imperial Household Department -----	3,000,000.—
II. Department for Foreign Affairs.	
I. Department Proper ----------	166.397.851
Salaries ----------	69.975.—
Office Expenses ----------	16,994.086
Repairs ----------	4,254.545
Casualty Fund ----------	10.—
Compensations etc --------- ----	10.—
Salaries of regular Foreign Employees ----------	7,200.—
Travelling Expenses ----------	1,268.—
Miscellaneous Expenses --------	11.937.22
Telegrams ------- ----------	48.949.—
Reception Expenses ----------	3,000.—
Allowances to Foreign Employees ----------	2,800.—
2. Foreign Legations and Consulates -	1,328,418.46
Salaries ----------	767.411.131
Office Expenses ----------	73,428.155
Repairs ----------	12,136.083
Court and Prison Expenses -----	2,314.—
Management of Settlement in Korea,	87.012.—
Management of Settlers in China,	10.210.64
Compensations etc ----------	10.—

Salaries of Foreign Employees--	20,876.40
Rent of Houses and Grounds, already contracted -------- -	60,570.679
Travelling Expenses ----------	63,876.329
Miscellaneous Expenses ---------	39,385.167
Telegrams ----------	64,774.544
Reception Expenses ---------- -	22,149.—
Relief of Japanese Abroad -----	204.—
Supervision of Cemeteries ------	205.812
Expenses of Students Abroad ---	5,133,316
Secret Service Fund ----------	80,000.—
Rent of Houses and Grounds ----	18,721.204
Total ,---------	1,494,816.311

III. Home Department .

I. Shrines ----------	27,113.—
2. Expenses of Shrines and Festivals of State Shrines ---------	176,604.25
Shrines ----------	174,924.25
Festivals at State Shrines ----	1,680.—
3. Department Proper ----------	297,652,067
Salaries ----------	128,747.—
Office Expenses----------	22,169.836
Repairs ----------	3,613.40
Casualty Fund ----------	138.—

Compensations and Lawsuits -----	8.—
Travelling Expenses ----------	22.085.85
Miscellaneous Expenses --------	35.971.342
Examination of Medical Practitioners and Dispensers ---	22.118.639
Opium Expenses ----------	12.300.—
Preservation of Shrines and Temples ----------	50,000.—
Salaries of Foreign Employees --	500.—
4. Sanitary Laboratory ----------	25.806.289
Salaries ----------	15.573.—
Office Expenses ----------	5.323.735
Repairs ----------	637.662
Casualty Fund ----------	1.—
Compensations and Lawsuits -----	2.—
Travelling Expenses ----------	306.—
Miscellaneous Expenses --------	3.342.—
Manufacture of Stamps ---------	620.75
5. Laboratory for Infectious Diseases,	27.209.22
Salaries ----------	7.300.—
Office Expenses ----------	1.782.47
Repairs ----------	492.—
Casualty Fund ----------	1.—
Compensations and Lawsuits ----	2.—
Travelling Expenses ----------	300.—
Miscellaneous Expenses --------	3.695.65
Manufacture of Medicines ------	13.636.10

6. Labortory for Manufacture of Vaccine,	66,502.10
Salaries ----------	11,200.——
Office Expenses ----------	8,731.90
Repairs ----------	400.——
Casualty Fund ----------	1.——
Compensations and Lawsuits ----	2.——
Travelling Expenses ----------	600.——
Miscellaneous Expenses --------	4.771.20
Manufacture of Medicine -------	40,996.——
7. Superintendence of Public Works,	90,742.50
Salaries ----------	49,391.——
Office Expenses ----------	23,930.——
Repairs ----------	687.——
Casualty Fund ----------	59.——
Compensations and Lawsuits ------	247.——
Salaries of Foreign Employees ---	6,840.——
Travelling Expenses ----------	21,880.——
Miscellaneous Expenses ---------	6,593.50
Surveying Expenses ----------	1,115.——
8. Penitentiaries ----------	404,084,191
Salaries ----------	21,642.——
Office Expenses ---- ---------	7,172.543
Repairs ----------	8,583,176
Casualty Fund ----------	1.——

Prisoners' Expenses ----------	29 4,844.987
Expenses of Prisoners in Fu and Ken,	9.445.60
Compensations and Lawsuits -----	2.-
Travelling Expenses ----------	12,603.957
Miscellaneous Salaries and Expenses	,109,788.928
9.- Metropolitan Police Board ---	253,177.936
Salaries and Allowances -------	165,894.—
Office Expenses ----------	15,225.198
Repairs ----------	3.097.-
Rewards ----------	13.-
Superintendence of Foreign Settlement in Tokyo ----------	4.371.94
Casualty Fund ----------	4.-
Compensations and Lawsuits ----	2.-
Travelling Expenses ----------	5.290.43
Miscellaneous Salaries and Expenses	,50.360.368
Secret Service Fund ----------	9,000.—
IO.- Police Expenses of the Seven Islands of Izu ----------	3,509.26
Casualty Fund ----------	1.-
Office Expenses ----------	51.-
Repairs ----------	21.-
Travelling Expenses ----------	1,250.75
Miscellaneous Salaries and Expenses,	2.185.51
II.- Fu and Ken ----------	4,894,330.261
Salaries and Allowances --------	2,318755.-

Office Expenses ----------	189,517.781
Rewards ----------	15,367.-
Supervision and Repairs of Foreign Settlements ----------	148,351.729
Preservation of Yokohama Park,	950.-
Repairs of Storehouse for Explosive Materials at Yokohama -----	2,045.-
Expenses of Foreign Cemetery at Nagasaki ----------	311,005
Casualty Fund ----------	1,155.-
Conscription Expenses ---------	194,931.59
Imperial Grant and Relief Fund ,	165,413.-
Expenses for Wrecked Ships ----	1.799.924
Courts in Ogasawara and the Islands of Izu ----------	160,50
Compensations and Lawsuits ----	12,898.-
Salaries of Foreign Employees,	5,760.-
Joint Police Expenses ---------	979,518.-
Travelling Expenses ----------	521.681.60
Miscellaneous Salaries and Expenses,	204,970.366
Hospital for Infectious Diseases and Quarantine ----------	4,109.215
Repair of Public Works --------	26,635.551
Secret Service ----------	100,000.—
I2.- Local Expenses of Ogasawara Island,	10,327.82
Casualty Fund ----------	1.-
Repairs ---------- -------	585.-

Police Expenses ----------	3, 382.42
Prison Expenses ----------	274.40
Prisoners' Expenses ----------	130.——
Expenses of Wrecked Ships -----	27.——
Public Works ----------	1.271.——
Educational Expenses ----------	932.——
Industrial Expenses - ----------	3.295.——
Reserve Rice Fund ------- -----	300.——
Prevention of Epidemics -------	130.——
I3. Local Expenses of Okinawa Ken ---	163.395.548
Casualty Fund -------- --------	1.——
Repairs ----------	1,375.70
Police Expenses ----------	41,659.254
Prison Expenses ----------	12,388.575
Prisoners' Expenses - ---------	10,295.335
Expenses of Wrecked Ships ------	1.——
Public Works ----------	6,176.38
Sanitary and Hospital Purposes,	15,892.005
Educational Expenses ----------	22,030.744
Industrial Expenses ----------	4,190.25
Local Office Expenses ----------	12,553.006
Salaries of Officials ----------	35,272.254
Relief Fund ----------	9.——
Notifications and Despatches --	1,551.——
I4. Police Expenses of Tsushima ----	8.793.867
Casualty Fund ----------	35.——

Office Expenses ----------	615,065
Travelling Expenses ----------	851,465
Miscellaneous Salaries and Expenses,	7,292,336
I5.- Local Police Expenses of Oshima,	8,015,116
Casualty Fund ----------	1.—
Office Expenses ----------	394.333
Travelling Expenses ----------	1.057.15
Miscellaneous Salaries and Expenses	-6.562.633
I6.- Preservation of Yokohama Harbor,	33.719.765
Salaries and Allowances --------	4.620.—
Office Expenses ----------	316.42
Repairs ----------	117.10
Casualty Fund ----------	1.—
Compensation and Lawsuits -------	2.—
Travelling Expenses ----------	246.12
Miscellaneous Salaries and Expenses,	1.264.46
Maintenance of Harbor and Bay-----	27.163.665
Total for Home Department,	6490.983.19

IV. Finance Department.

I.- The Department Proper.	328,035,866
Salaries and Allowances -------	205,015.50
Office Expenses ----------	29,914.335
Repairs ----------	3,610.958
Publication of Rates of Exchange for Customs Tariff --------	536.—
Casualty Fund ----------	2.—

Preparing Government Bonds and Notes,	1,025.693
Compensations and Lawsuits	1,460.——
Travelling Expenses	24,732.90
Miscellaneous Expenses	49,674.505
Manfacture of Order and Receipt Blanks	12,063.98
2. National Debt	29,710,378.169
Principal, Interest and Commission of Public Bonds	27,280,881.419
Interest on Deposits	1,724,185.——
Redemption of Subsidiary Notes	705,311.75
3. Pensions and Rewards	3,495,404.295
Annuities connected with Decorations	1,055,043.——
Civil Service Pensions	794,494.333
Military Service Pensions	1,457,463.998
Educational Service Pensions	25,667.033
Pensions for Okinawa Ken	146,085.931
Fixed Pensions to Foreigners	14,100.——
Special Annuities	300.——
Pensions to Foreigners	2,250.——
4. Cabinet	172,105.275
Salaries	92,575.——
Office Expenses	10,652.70
Repairs	12,297.——
Rewards	536.——

Casualty Fund ----------	17.—
Travelling Expenses ----------	889.60
Miscellaneous Expenses ---------	17,407.975
Secret Service Fund --------- --	30,000.—
5. Privy Council ----------	103,804.23
Salaries ----------	95,234.—
Office Expenses ---------- --	2,720.—
Repairs ----------	1,116.90
Travelling Expenses ----------	592.80
Miscellaneous Expenses ---------	4,140.53
6. House of Peers ----------	245,183.88
Allowances for Members ------ -	184,527.88
Salaries ----- ----------	18,640.—
Office Expenses ----------	15,132.—
Repairs ---------- -------	2,000.—
Travelling Expenses -------- ---	166.—
Miscellaneous Expenses --------	22,734.—
7. House of Representatives ------	319,250.73
Allowances for Members --------	259,149.73
Salaries ----------	18,345.—
Office Expenses ----------	14,548.—
Repairs ----------	2,000.—
Travelling Expenses ----------	50.—
Miscellaneous Expenses --------	25,158.—

8.- The Board of Audit ----------	165,662605
Salaries and Allowances --------	144,173.—
Office Expenses ----------	5,856.061
Repairs ----------	1,275.—
Travelling Expenses ----------	3,500.—
Miscellaneous Salaries and Expenses,	10,858.544
9.- Administrative Court --------	39,729.—
Salaries and Allowances --------	34,988.—
Office Expenses ----------	1,490.—
Repairs ----------	445.—
Travelling Expenses ----------	371.—
Miscellaneous Salaries and Expenses,	2,435.—
IO.- Official Gazette Bureau ----	238,142,213
Salaries and Allowances -------	12,062.—
Office Expenses ----------	2,955.—
Repairs ----------	566,40
Travelling Expenses ----------	136,80
Miscellaneous Salaries and Expenses,	64.66.88
Printing Expenses ----------	215,955,133
II.- Custom Houses ----------	287,799.—
Salaries and Allowances -------	148,239.—
Office Expenses ----------	27,359.—
Repairs ----------	19,437.—
Purchase of Goods Dutiable ad valorem ----------	210.—

Casualty Fund --------- -------	8.——
Compensations and Lawsuits -----	332.——
Travelling Expenses ----------	8.519.——
Miscellaneous Expenses --------	83,513.——
Rewards for Information against Smuggling ----------	182.——
I2. Collection of Taxes ----------	2,326,120.741
Salaries ---------- -	1,042,486.——
Office Expenses ----- ---------	178,912.——
Repairs ---------- -------	889.——
Income Tax Investigations -----	38,374.——
Money Handed to Local Authorities,	357,124.191
Expenses in connection with Arrear Taxes and Offenders -------	22,429.462
Stamps and Licenses ----- ------	10,884.——
Compensations and Lawsuits ----	244.006
Travelling Expenses ----------	307,709.——
Miscellaneous Expenses ---------	267,662.388
Management of Dutiable Goods in Okinawa ----------	2,207.364
I3. Expenses of Management of Leaf Tobacco ----------	522,454.——
Salaries ----------	162,549.——
Office Expenses ----------	75,907.55
Repairs ----------	13,980.——

Compensations and Lawsuits------	14.—
Travelling Expenses ----------	54,962.50
Miscellaneous Salaries and Expenses,	20,290.—
Business Expenses connected with Patent Leaf Tobacco ------	204,750.96
I4. Civil Service Examination Expenses,	3,095.104
Office Expenses ----------	564.764
Repairs ----------	50.—
Miscellaneous Salaries and Expenses,	2,480.34
I5.- Expenses of Managing Currency---	506,329,224
Exchange of Inconvenient Currency--	3,233.—
Money Paid to Nippon Ginko (Bank of Japan) ----------	400,000.—
Miscellaneous Expenses in Managing Currency ----------	55.209
Management of Government Funds of Formosa ----------	103,041.075
I6.- Fund for Miscellaneous Repayments and Supplying Deficits----------	206,947.—
Miscellaneous Repayments ---------	200,396.—
Supplying Deficits ----------	6551.—
I7.- National Treasury Reserve Fund--	3,000,000.—
First Reserve ----------	1,000,000.—
Second Reserve ----------	2,000,000.—
Total for Finance Department,	41,670,441.332

V. Department of War.

I. Department Proper ----------	240.076.998
Salaries and Allowances -------	158,435.—
Office Expenses ------ --------	28.276.709
Repairs ----------	1,416 596
Travelling Expenses ----- ------	17,543.157
Miscellaneous Expenses ----- ---	15,983.536
Miscellaneous Allowances -------	17,022.—
Clothing ----------	240.—
Horse Expenses ----------	1.160.—
2. Military Expenses ----------	25,686,890.928
Salaries ----------	7,224,686.655
Miscellaneous Allowances --------	855,609.585
Inspectors Abroad ----------	57,105.082
Provisions ----------	5,634,768.747
Clothing ----------	3,444.110.176
Arms and Ammunition ----------	2,135,009.572
Horse Expenses ----------	1,543,776.70
Manoeuvres ----------	771,821.44
Medical Attendance ----------	322,116.065
Office Expenses ----------	622,563.478
Army Necessaries ----------	534,139.916
Repairs ----------	418,123.236
Casualty Fund ----------	7.878.886
Allowances for Retired Soldiers -----	70.—
Prisoners' Expenses ----------	46.277.808
Compensations and Lawsuits -----	550.—
Travelling Expenses ----------	972,187.307
Miscellaneous ---------- -----	981,090.568

Military Maps ----------	11,296.686
Expenses of Imperial Processions	1,215.——
Secret Service Fund ----------	93,600.——
Salaries of Foreign Employees,	9,844.——
3. Gendarmerie Expenses ----- ----	2702,691.677
Salaries ----------	933,266.646
Miscellaneous Allowances -------	124,931.19
Provisions ---------- ------	610,317.038
Clothing ----------	283,822,73
Arms and Ammunition ----------	67,293.015
Horse Expenses ----------	153,013.737
Office expenses ----------	84,110.562
Repairs ---- ----------	7,116.78
Casualty Fund ----------	1,832.——
Prisoners' Expenses ----------	4,755,24
Compensations and Lawsuits -----	6.——
Travelling expenses ----------	119,407.05
Miscellaneous Expenses ---------	365,735.689
Secret Service Fund ----------	27,034.——
4. Colonial Troops ----------	492,168.21
Salaries ----------	115,325.28
Miscellaneous Allowances ------	11,202,737
Provisions ----------	188,077.396
Clothing ----------	32,962.315
Arms and Ammunition ----------	16,163.839
Horse Expenses ----------	2,850.56
Manoeuvres ----------	16,011.103

Medical Attendance----------	6,438.172
Office Expenses----------	6,607.102
Army Necessaries----------	7,299.326
Repairs----------	3,500.-
Casualty Fund----------	50.-
Compensations and Losses--------	10.-
Travelling Expenses----------	15,418.44
Miscellaneous Salaries and Expenses	12,449.74
Emigration Expenses----------	59,802.20
5. Donations to the Yasukuni Shrine.	7,550.-
Total for Army Department.	29,129,377.813

VI. Department of Navy.----------	
1. The Department Proper.---------	165,086.01
Salaries and Allowances---------	117,769.20
Office Expenses----------	15,803.50
Repairs----------	720.—
Casualty Fund----------	10.—
Compensations and Lawsuits------	20.—
Travelling Expenses----------	4,121.26
Miscellaneous Salaries and Expenses	16,642.05
2. Military Expenses.----------	9,715,203.756
Salaries and Allowances---------	3,004,998.024
Miscellaneous Allowances--------	97,489.70
Students Abroad----------	43,825.773
Salaries of Foreign Employees already contracted---------	7,200.—

Provisions	1.036.999.473
Clothing	508.077.185
Arms, Ammunition, and Torpedoes	1.873.819.286
Ship Building and Repairs	979.666.655
Manoeuvres	30,000.—
Medical Attendance	38.269.342
Office Expenses	224,027.468
Expenses of Naval Stations	104,612.615
Necessaries for Men-of-war	976.564.446.
Repairs	69.204.629
Casualty Fund	2,724.—
Aids to Survivors	116.732.766
Prisoners' Expenses	7.344.60
Compensations and Lawsuits	114.25
Rent of Houses and Grounds	317.746.
Travelling Expenses	243,772.84
Miscellaneous Salaries and Expenses	177.634,052
Hydrographical Expenses	56,466.237
Secret Service Fund	30,000.—
Watch Towers	17,145.189.
Allowances of Foreign Employees	19,248.48
Machinery	50,000.—
Total for Navy Department.	9.870.289.766

VII. Department of Justice.

1. Department Proper	103,246.098
Salaries and Allowances	57,421.611
Office Expenses	14,933.228
Repairs	1,300.—

Casualty Fund ---------- -	7.——
Compensations and Lawsuits -----	55.——
Salaries of Foreign Employees,	15.720.——
Travelling Expenses ----------	2.500.——
Miscellaneous Expenses --------	9.745.409
Examination Expenses of Judges, Procurators and Barristers -----	1,563.85
2. Courts of Law ----------	3,448,791.186
Salaries ----------	2,271,671,927
Office Expenses ----------	342,325.107
Repairs ----------	51,612,909
Casualty Fund ----------	26,75
Judgement Expenses ----------	126,477.691
Registration of Papers and Notification Expenses ----------	30,913.919
Local Registration Offices' Expenses,	4,314.——
Compensations and Lawsuits -----	846.099
Travelling Expenses ----------	87,247.067
Miscellaneous Expenses ---------	528,915.717
Secret Service Fund ----------	4,440.——
Total, Department of Justice,	3,552,037.284

VIII. Department of Education .

I. Department Proper ----------	184,305,467
Salaries ----------	61,769.166
Office Expenses ----------	7,630948

Repairs----------	2,900.—
Casualty Fund----------	2.34
Compensations and Lawsuits------	7.—
Travelling Expenses----------	5,788.94
Miscellaneous Salaries and Expenses.	14,801.19
Publication Expenses----------	2,200.—
Sanitary Inspection of Schools---	3,000.—
The Gakushikwaiin Annuities-----	1,500.—
Students' Expenses----------	82,151.006
International Surveying Association Expenses	2,654.867
2. Earthquake Investigation Society.	25,000.—
Salaries and Allowances---------	762.—
Repairs----------	900.—
Casualty Fund----------	1.—
Compensations and Lawsuits------	2.—
Investigation Expenses- --------	23,335.—
3. Central Observatory.	31,573.38
Salaries and Allowances---------	9,071.—
Office Expenses----------	10,224.30
Repairs----------	637.55
Casualty Fund----------	1.—
Compensations and Lawsuits------	2.—
Travelling Expenses----------	1,759.38
Miscellaneous Salaries and Expenses.	4,611.20
Telegrams----------	5,266.95
4. Schools and Libraries.	1,166,656.765
Imperial University----------	529,283,343

Kyoto Imperial University ------	35.284.747
Higher Normal School ----------	77.639.585
Female Higher Normal School----	29,698.614
Higher Commercial School ------	47,779.52
First Higher School ----------	73,661,023
Second " " ----------	43,686,154
Third " " ----------	72,111.17
Fourth " " ----------	45.111.69
Fifth " " ----------	60,296.334
Sapporo Agricultural School ----	21,501.399
Tokyo Technical School --------	49.947.376
Tokyo Art School --- ----------	36,416.83
Osaka Technical School --------	22,240.—
Tokyo Deaf and Dumb School ------	2,000.—
Tokyo Library ----------	20,000.—
5. Salaries of Dorectors of Local Normal Schools ----------	39,542.—
6. Local Inspection Expenses ------	63,000.—
7. Aids to Technical Education ---	150,000.—
Aids to Education ----------	135,000.—
Training of Teachers ----------	15,000.—
8. Aids to Primary Education -------	345,298.289
Total, Educational Dep't ----	2,005,375.891

IX. Department of Agriculture and Commerce.

I. Department Proper ---------- --	262,865.588
Salaries ----------	167.335.
Office Expenses ----------	25,265.565
Repairs ---------- ----------	201,760.
International Weight and Measure Association Expenses ----------	1,959.35
Casualty Fund ----------	55.
Compensations and Lawsuits --------	120.
Travelling Expenses ---------- --	1,695.10
Miscellaneous Expenses ---- -----	19,929.745
Standard Weights and Measures ----	6,778.123
Experiments in Tea Preparation--	2,000.
Geological Survey and Maps -----	16,922.60
Veterinary Examinations --- ----	4,238.705
2. Forestry Office ----------	742,113.015
Salaries ----------	270,483.332
Office Expenses ----------	61,287.836
Repairs ------ ------ ----------	3,700.
Casualty Fund ----------	100.
Compensations etc.----------	2,700.
Travelling Expenses----------	97,139.52
Miscellaneous ---------- ----	15,491.46
Management of Forests and Forest Products ----------	291,210.867
3. Superintendence of Mines -------	72,380.30
Salaries ----------	39,780.
Office Expenses ----------	11,167.
Repairs ---------- ----------	750.

Casualty Fund ----------	10.—
Compensations etc ------- -----	100.—
Travelling Expenses ----------	13,825.—
Miscellaneous Expenses ----- --	6,848.30
4. Agricultural Experiment Farm ----	61,040.576
Salaries ----------	28,400.—
Office Expenses ----------	1,339.34
Repairs ----------	620.—
Casualty Fund ----------	10.—
Compensations etc ----------	5.—
Travelling Expenses ----------	4,200,56
Miscellaneous Expenses --------	2,537.15
Experiments ----------	23,928.526
5. Investigation of Marine Products--	57,444.46
Salaries ---------- ----------	17,880.—
Office Expenses --- ------- ---	1,889.65
Repairs ---------- --	600.—
Casualty Fund ---------- ---	5.—
Compensations etc ----------	5.—
Travelling Expenses ----------	6,670.09
Miscellaneous Expenses --------	6,077.975
Investigations ---------- --	5,436.445
Lecture Expenses ----------	12,880.—
6. Silk-worm Culture Lecture Bureau---	23,696.60
Salaries ---------- --	6,360.—
Office Expenses ----------	891.25
Repairs ----------	1,910.—

Casualty Fund----------	2,50.—
Compensations and Lawsuits------	2,50
Travelling Expenses----------	1,100.—
Miscellaneous Salaries and Expenses--	530,35
Lectures and Experiments--------	7,905.—
Investigation of Mulberry Trees	4,995.—
7.Raw Silk Inspection Office------	38549.094
Salaries and Allowances---------	8,200.—
Office Expenses----------	1,237.881
Repairs----------	500.—
Casualty Fund----------	5.—
Compensations and Lawsuits------	5.—
Travelling Expenses----------	814.88
Miscellaneous Salaries and Expenses	7,812.45
Inspection Expenses----------	13973.883
Salaries of Foreign Employées--1	6,006.—
8. Exposition of Commercial Articles.	19692.85
Salaries and Allowances---------	3,768.—
Office Expenses----------	1,270.—
Repairs----------	1,000.—
Casualty Fund----------	5.—
Travelling Expenses----------	5000.—
Miscellaneous Salaries and Expenses	3,149.85
Exposition Expenses----------	10,000.—
9. Horse Improvement Expenses.	150934.—
Salaries and Allowances---------	17,800.—
Office Expenses----------	20,220.775

Repairs	200.
Casualty Fund	30.
Compensations etc	60.
Travelling Expenses	12, 000.
Miscellaneous Expenses	11,779.225
Brood Mares	83,844.
IO. Protection against Korean Cattle Epidemics	1, 580.
Total, Dep't Agriculture and Commerce,	1,424,295.783

X. Department of Communications .

I. Department Proper	263,222.516
Salaries	147,947.278
Office Expenses	24,743.245
Repairs	3,437.83
Casualty Fund	52.
Compensations etc	51.695
Salaries of Foreign Employees	5,668.
Travelling Expenses	42,171.841
Miscellaneous Expenses	38,950.627
International Railway Union	200.
2. Communication Expenses	9,313,893.636
Salaries	1,169.348.055
Office Expenses	182,852.155
Repairs	32,241.052

International Post and Telegraph Union Expenses----------	25 39.933
Casualty Fund----------	671.716
Communication Business Expenses	6,372,818.397
Compensations and Lawsuits------	695.015
Money to be refunded----------	1,127,929.90
Travelling Expenses----------	141,437.05
Miscellaneous Salaries and Expenses	283,360.36
3. Expenses for Nautical Signals--	189.501.443
Salaries and Allowances---------	80,152.333
Office Expenses----------	2,872.64
Repairs----------	630.—
Casualty Fund----------	506.315
Nautical Signal Work----------	71,884.607
Compensations and Lawsuits------	5
Travelling Expenses----------	7,479.72
Miscellaneous Salaries and Expenses	26.970.828
4.Mariners' Expenses----------	89.996.788
Salaries and Allowances----------	61,244,166
Office Expenses----------	13.930.757
Repairs----------	385.20
Casualty Fund----------	10.—
Judgments----------	1.693.86
Compensations and lawsuits------	3.—
Travelling Expenses----------	5.116.68
Miscellaneous Salaries and Expenses	7,613.225
5. School of Navigation----------	72.980.707
Salaries and Allowances---------	19.116.—

Office Expenses----------	10.936.346
Repairs----------	531.28
Casualty Fund----------	6.—
Compensations and Lawsuits------	3.—
Travelling Expenses----------	869.42
Miscellaneous Salaries and Expenses	16,602.694
Students' Expenses----------	25,897.953
Students Abroad----------	4.974.014
6. Tokyo Post and Telegraph School.	21,839.843
Salaries and Allowances---------	3,023.—
Office Expenses----------	4.838.888
Repairs----------	500.—
Casualty Fund----------	5.—
Compensations and Lawsuits------	3.—
Travelling Expenses----------	488.31
Miscellaneous Salaries and Expenses	4.253.96
Students' Expenses----------	3722.685
7. Expenses for the Encouragement of Navigation----------	1,720,313.828
Total for Department of Communications	11,671,748.761

XI. Department of Colonization.

1. Expenses for Shrines and Festivals	
Shrines----------	3,071.25
Festivals of State Shrines	20.—
2. The Department Proper.	141420.—
Salaries and Allowances---------	83,245.—

Office Expenses ----------	18,540.——
Repairs ---------- ----- --	2,960.——
Compensations etc ---- --------	25.——
Travelling Expenses ----------	21,175.——
Miscellaneous ----------	15,480.——
Casualty Fund ----------	5.——
3. Hokkaido Administration Office ---	1,333,995.277
Salaries ----------	202,993.25
Office Expenses ----------	70.600.555
Repairs ----------	11,294.78
Rewards ----------	635.475
Repairs of ForeignSettlement ------	121.——
Casualty Fund ---------- ---	90.926
Conscription Expenses ---------	5,722.837
Imperial Grant and Relief Fund--	1,283.619
Expenses of Wrecked Ships -----	507.447
Collection of Arrear Taxes ----	136.80
Transportation etc of Criminal Defendants and Criminals------	17,602.472
Prisoners' Expenses -------- --	42,729.05
Compensations etc ----- ---- -	1,354.181
Travelling Expenses ----------	81,530.14
Miscellaneous ----------	268,371.752
Management of Sailors ----------	162.408
Public Works ----------	242,292.975
Preservation of Forests ------	63,654.214
Prison Expenses ----------	34,799.469
Public Undertakings ---- ------	178,151.446
Sanitary Expenses --- ---------	10,803.896

Educational Expenses ----------	46,478.33
Aids to Aborigines ------- ----	5.785.429
Meteorological Expenses --------	10,790.029
Subsidies ----------	29,158.798
Hakodate Quarantine and Hospital Expenses ----------	600.——
Secret Service Fund ------ ----	6,344.——
4. Hokkaido Penitentiaries ------	542,428.189
Salaries ----------	33,869.——
Office Expenses ---------- --	12,299.133
Repairs ---- -- ----------	6,136.178
Casualty Fund ---------- -----	1.——
Prisoners' Expenses ------- ---	290,244.361
Compensations etc ----------	2.——
Travelling Expenses ----------	13,221.465
Miscellaneous Expenses -------	186,655.052
Total for Department of Colonization -------	2,020,984.716
Grand Total, Ordinary Expenditure,	12,330,280.847

Extraordinary Expenditures.

I. Department of Foreign Affairs.	
1. Construction and Repairs.	46,919.666
Erection of a Consulate at Tientsin.----------	13,000.—
Erection of a Consulate at Amoy.	20,000.—
New Construction----------	4,050.—
Repairs----------	9,869.666
2. Establishment of Legations and Consulates in Foreign Countries.	64,500.—
Construction of Telegraphic Code	2,000.—
Total for Foreign Department.	113,419.666
II. Department of Home Affairs.	
1. Subsidies-- ----------	35,200.—
Aids to Navigation to Sakijima	5,000.—
Aids to Navigation to Ogasawara jima----------	6,200.—
Aids to Navigation to Islands nearKagoshima----------	6,000.—
Aids to Navigation to Islands in Okinawa Ken----------	3,000.—
Aids to the Investigation of Infectious Diseases----------	15,000.—
2. Public Works Subsidies---------	335,634.—
Aids to Tokyo Waterworks--------	160,000.—
Aids to Osaka Waterworks--------	50,000.—
Aids to Kobe Waterworks---------	60,000.—

Aids to Dredging Expenses of Osaka Harbour----------	12,634.—
Aids to the Construction of Roads in Kumamoto Ken----------	72,000.—
Aidsto the Repairs of Nagasaki Harbour----------	50,000.—
3. Public Works Expenses----------	5,934,067.042
Salaries and Allowances----------	70,444.—
Office Expenses----------	14,556.487
Casualty Fund----------	153.—
Travelling Expenses----------	58,216.—
Miscel laneous Salaries and Expenses	42,564.666
Construction and Repairs----------	2,475.833
Investigation Expenses----------	33,189.527
Tonegawa Control Works----------	294,576.239
Kitakamigawa Control Works------	75,000.—
Mogamigawa Control Works--------	60,000.—
Shinanogawa Control Works-------	80,000.—
Kisogawa Control Works----------	509,701.29
Oegawa Control Works----------	70,000.—
Abukumagawa Control Works-------	55,000.—
Shinano Estuary Control Works---	200,000.—
Fujikawa AdditionalControl Works-	34,854.—
Tenriugawa Reconstruction Works-	58,681.—
Yodogawa Reconstruction Works---	3,891,300.—
Chikugogawa Reconstruction Works	330,000.—
Akanogawa Control Works---------	1,250.—
Yoshinogawa Control Works-------	3,825.—
Shogawa Control Works----------	1,200.—

Yodogawa Reconstruction Works---	30,000.—
Fujikawa Reconstruction Works---	6,880.—
Tenriugawa Reconstruction Works-	10,200.—
4. Construction and Repairs-------	115,848,426
Tokyo Penitentiary Brick Wall---	8,391.254
Jojin Quarantine Station--------	15,453.612
New Constructions--------------	84,988.044
Repairs------------------------	7,015.516
5. Bureau of Shrines and Temples.	1,627.902
Salaries and Allowances---------	480.—
Office Expenses----------------	204.917
Traveling Expenses-------------	403.11
Miscellaneous------------------	539.875
6. Rewards---------------------	16,093.103
Sundry Special Rewards---------	16,093.103
Total for Home Department	6,588,470.478

III. Finance Department.

1. Subsidies----------	6,080,698
Interest on Japan Railway Company Shares----------	509,102,638
Aids to the Kyushu Railway Co.--	100,575.—
Aids to the Sanyo Railway Co.---	170,953.—
Aids to the Industrial Bank of Japan----------	62,500.—
Aids to the Agricultural and Technical Bank----------	199,500.—

2. Expense of Manufacturing and Issuing Public Bonds ----------	255,859.93
Railway Bonds ---------- ------	24,280.803
Government Bonds ----------	8.357.589
Public Loan Bonds ----------	223,221.538
3. Construction and Repairs -----	3,460,167.525
Office for Management of Leaf Tobacco ----------	3,083,300.——
New Constructions ----------	376,867.525
4. Expenses of Auditing Special Military Expenses ----------	14,856.35
Salaries ----------	12,600.——
Office Expenses ----------	836——
Miscellaneous Expenses ----------	1,420.35
5. Expenses of Management of Indemnity ----------	77,156.66
6. Manufacture of Cups as Rewards -	170,524.40
7. Patent Leaf Tobacco Expenses--	4,000,000.——
8. Allowances for Management of Special Military Expenses ------	2,503.927
Total, Finance Dep't---	10,821,699.43
IV. War Department.	
I. Construction of Forts ----------	4,603,237.491

Tokyo Bay Forts----------	303,000.—
Shimonoseki Forts----------	100,000.—
Kitan Sea Forts----------	100,000.—
Naruto Straits Forts----------	95,163.—
Kuri Forts- ----------	91,598.—
Geiyo Straits Forts----------	276,644.—
SaseboForts----------	87,439.—
Tsushima Forts----------	61,134.—
Nagasaki Forts----------	43,681.—
Maezuru Forts----------	93,990.—
Hakodate Forts----------	71,812.—
Arms and Ammunition----------	3,278,796.497
2. Construction and Repairs-------	452,791.687
Construction of Barraks in the Kitan Straits----------	57,431.46
Tokyo Bay Barracks Construction.	34,298.50
Colonial Troops Barracks etc.---	128,879.49
New Constructions----------	232,182.237
3. Surveying Expenses----------	183,910.209
Salaries----------	27,288.—
Miscellaneous Allowances--------	1,256.—
Surveying Expenses----------	153,025.675
Office Expenses----------	340.534
Miscellaneous----------	2,000.—
4. Construction and Preliminary Expenses----------	1,079,004,782
5. Manufacture of Arms and Ammunition--	3,971,000.—

6. Extension of Arsenals --------	1,294,372.965
New Constructions, and Extension of Tokyo Arsenal --------	141,783.676
New Constructions, and Extension of Osaka Arsenal - --------	137,866.50
Machinery for Tokyo Arsenal ---	434,387.53
Machinery for Osaka Arsenal ----	580,335.259
7. Special Military Construction Office -------- ------- -	118,462.485
Salaries ----------	88,002.36
Miscellaneous Allowances ------	3,363.—
Clothing ----------	416.40
Horse Expenses ----------	100.—
Office Expenses -------- ------	12,566.14
Casualty Fund ---- ----------	135.—
Compensations etc ----------	150.—
Travelling Expenses ----------	5,100—
Miscellaneous Expenses ---- ---	8,629.585
8. Special Military Transportation and Communication Office--	1,371,506.43
Salaries----------	48,629.46
Allowances ------ ----------	6,929.30
Provisions ---------- ----	58,208.914
Clothing ----------	18,213.407
Arms and Ammunition ----------	47.453
Horse Expenses ----------	1,246.401
Medical Attendance ----------	3,030.18

Transportation ----------	1,173,185.606
Office Expenses ----------	32,350.104
Repairs ----------	1,425.——
Casualty Fund ----------	463.75
Compensations etc ----------	3,250.——
Travelling Expenses ----------	5,592.46
Miscellaneous Expenses ----------	18,934.765
9. Preliminary Expenses connected with Construction Formosan Gendarmerie,	212,438.355
IO. Special Military Expenses -----	6,802,073.306
Total, War Department,	30,088,797.71

V. Navy Department .

I. Construction of Men-of-War ---	4,973,400.599
Construction of Ironclads begun in I893 ----------	4,884,588.088
Construction of Cruiser and Despatch Vessel begun in I893 -----	88,812.511
2. Public Works ----------	316,734.54
Saseho Dockyard ----------	116,734.54
Construction of same ----------	200,000.——
3. Construction and Repairs ------	91,788.617
New Constructions ----------	90,828.617
Repairs ----------	960.——
4. Construction and Repair of Vessels,	54,311.——

5. Despatching Workmen to Foreign Countries	31,075.24 ~~3,109,524.-~~
Arsenal Workmen	8,564.20
Ship-builders and Arsenal Workmen	22,511.04
6. Hydrographical Surveying Expenses	37,744.276
7. Naval Extension Expenses	61,860,965.483
Construction of Vessels	36,945,893.373
Manufacture of Ammunition	19,405,183.69
Building Expenses	5,509,889,012
8. Materials for Construction of Dockyard	345,000.—
9. Construction of Shimose Gunpowder Factory	179,070.91
10. Ammunition for Strait Defences	126,791.96
11. Reconstruction of Dock No. 1 at Kure Dockyard	120,000.—
Total for the Navy Department	68,136,882.626

VI. Department of Justice.

1. Construction and Repairs	207,441.302
Building of Supreme and Local Court Houses of Osaka	89,787.-
New Constructions	117,654.302

VII. Educational Department	
I. Construction and Repairs -------	156,686.08
Reconstruction of Imperial University Hospital -------- --------	30,000.——
Reconstruction of Imperial University Lecture Halls ----------	30,000.——
Construction of Chemical and Mining Experimental Station at the Third Higher School, Kyoto----	20,462,50
New Constructions ----------	74,723,58
Repairs ----------	1,500.——
2. Equipment ----------	38,542.——
Third Higher School----------	27,690.——
Tokyo Technical School - ------	8,352.——
Scales, Measures, etc ---------	2,500.——
3. Establishment of the Kyoto Imperial University ----------	170,000.——
New Buildings ----------	160,000.——
Machinery and Instruments ---- --	10,000.——
4. Equipment of Special Schools --	42,473.20
Training of Teachers in Higher Normal and Middle Schools ---	10,873.20
Establishment of Foreign Language School ----------	3,500.——
Establishment of Technical Department at the Fifth	

Fifth High School----------	28,700.—
5. Establishment of Imperial Library----------	40,000 —
New Construction----------	12900 —
6. Expenses for Publishing Historical Material in the Imperial University----------	12900 —
7. Special Expenses for Various Schools----------	72,583.732
Expense for Investigating Literature in the Imperial University----------	5,388.732
Expense of Books and Instruments for the Imperial University------	20,000.—
Purchase of Books and Specimens for Kyoto Imperial University	32,500.—
Purchase of Materials for the Higher Normal School---------	5,000.—
Materials etc. for the Technical Department of the Fifth Higher School---	9,000.—
Materialsfor the Tokyo Deaf and Dumb School Schbol----------	700.—
Total for the Department of Education----------	638,186.012

VIII. Department of Agriculture and Commerce.

1. Investigation of Forests & Fields	39,151.50

Office Expenses----------	4,289.175
Travelling Expenses----------	14,622.—
Miscellaneous Salaries and Expenses	20,240.326
2. Horse Investigation----------	12,089.23
Office Expenses----------	622.10
Travelling Expenses----------	3,792.38
Miscellaneous Salaries and Expenses	7,674.75
3. Exhibition of Provincial Products	21,173.48
4. Extension of Foreign Trade-----	60,000.—
5. Establishment of Iron Foundry--	1,741,621.38
Salaries----------	45,800.—
Office Expenses----------	3,125.—
Casualty Fund----------	500.—
Travelling Expenses----------	19,746.38
Miscellaneous Salaries and Expenses	10,450.—
Equipment and Public Works------	281,000.—
Machinery and Factories---------	1,357,000.—
Salaries for Foreign Employees--	24,000.—
6. Second Marine Products Exhibition.	106,654.63
7. Exhibit at Paris Exposition----	37,066.04
Office Expenses----------	4,268.87
Travelling Expenses----------	9,568.82
Miscellaneous Salaries and Expenses	15,728.35
Exhibition Expenses----------	1,500.—
8. Examination of Weights and Mensures	81,207.936

9. Constration and Repairs -------	35,135.—
Establishment of Lecture Places for Silk Worm Industry -------	2,400.—
Expenses connected with Pastures for Brood-mares ----------	32,736.—
Total for Department of Agriculture and Commerce -------	2,122,999.196

IX. Department of Communications.

I. Subsidies ----------	1,733,791.20
To Nippon Yusen Kwaisha --------	880,000.—
For Training of Sailors --------	10,000.—
Extension of Navigation -------	566,541.20
Encouragement of Shipbuilding -----	277,250.—
2. Construction and Repairs ----	1,388,033.60
Oki Telegraph Line ----------	21,495.679
Telegraphic Line to the Islands of Kunajiri and Itoroppu-----	79,067.966
Increase of Line between Tokyo and Hakodate ----------	21,431.446
Extension of Line between Nemuro and Sapporo ----------	15,390.754
Extension of Line between Tokyo and Sapporo ----------	188,894.872
Increase of Tokyo-Kagoshima Line	30,317.782
" " Tokyo-Aomori "	15,567.989
Construction of Nautical Signals at Niudogasaki ----------	31,346.07

Construction of Nautical Signals at Kegamisaki ----------	30,607.133
Same at Jizonosaki ----------	23,459.634
Same at Atoeyasaki ----------	27,999.88
Same at Murotozaki ----------	34,150.——
Same at Yenyazaki ----------	25,008.703
Purchase of Ships ----------	81,191.355
Manufacture of Telagraph Wire --	408,592.84
Construction of Nautical Signals,	43,898.163
New Constructions ----------	257,568.334
Repair of Nautical Signals -----	12,822.——
Repairs ---------- ---------	39,723.——
3. Extension of Telephone Exchange	577,373.963
4. Improvement of Government Railways	3,000,000.——
5. Special Travelling Expenses Abroad,	26,854.445
For Inspection of Railways------	15,000.——
Delegates to International Postal Union Congress ----------	11,854.445
Total, Dep't Communications,	6,726,063.198

X. Department of Colonization.

I. Subsidies ----------	104,458.165
Hokkaido Tanko Railway Co.-----	97,458.165
Hokkaido Navigation ----------	7,000.——

Correct Translation
R.M. Miller
U. S. I...
of Legation

2. Aids to Shrines ----------		680.111
3. Aids to Public Works ----------		82.778.—
Hakodate Water Works ----------		24,444.—
Repairs of Hakodate Harbor-----		58,334.—
4. Construction and Repairs ------		55,226.463
NewConstruction ----------		54,344.667
Repairs ---------- ----		881.796
5. Construction of Roads, Bridges etc in Hokkaido ----------		218,267.554
6. Protection of Emigrants to Chishima,		9,500.—
7. Construction of Hokkaido Railway (Sorachibu - Asahigawa)---		275,130.557
8. Exhibit of Hokkaido Products at 2nd Marine Exhibition -----		3,621.095
9. Special Rewards ---------- ----		6,468.031
IO. Hokkaido Railway Construction,	1,000,000.—	
First Period Railways----------	998,000.—	
Surveying Expenses ----------	2,000.—	
II. Construction Otaru Harbor --------	250,000.—	
Total, Dep't Colonization,		2,006,129.97
Total, Extraordinary Expenses,		127,344,178.582
GRAND TOTAL OF ANNUAL EXPENDITURE,		239,674,459.429

Correct Translation
R.M. Miller
U. S. I...
of Legation

SUPPLEMENTARY BUDGETS.

Class A.

War Department:

Receipts,-

From Indemnity ----------	1,339,895,104

Expenditures,-

Factory Expenses ----------	1,339,895,104
Tokyo Arsenal ----------	650,528,664
Osaka Arsenal ----------	582,614,836
Senji Woolen Factory -----	106,751,604

Class B.

Ordinary Receipts,-

Miscellaneous ----------	18,324,947
Relief Fund for Families of Officials ----------	18,324,947

Special Receipts,-

Contributions for Shipbuilding--	183,249,479
From Indemnity ----------	6,420,330,431
Special Total Receipts,	6,621,904,857

Expenditures,-

Department of Colonization:

Supplementary Funds for Formosa ----------	6,420,330,431

Class C.

Revenue,-

Money Refunded ---------- ---	1,183.266.768
Brought Forward from last Year--	102,096.372
Total ------- --	1,285. 363.14

Expenditures,- Ordinary:

Finance Department,

Accountant Bureau ----------	33,366.93
Salaries ---------- ---	18. 580.—
Office Expenses ---------	1, 491.—
Repairs ----------	300.—
Travelling Expenses --------	11,459.68
Miscellaneous Expenses----	1,535.65

Educational Department,

I. Department Proper, Expenses of Committee on Higher Education,-	3,264.—
2. Imperial University -------- --	11,130.661
Total, Dep't Education,----	4,394.661
Total, Ordinary Expenditures,--	37,760.891

Special Expenditures,-

Home Department:

Yokohama Water Works -----	1,027,843.099

Additional Repairs to Fujikawa--	42,675.427
Tenryugawa Control Works -------	19,000.—
Local Relief Funds ------------	92,833.92
Extension Kobe Hatoba ----------	84,127.926
Local Expenses Okinawa Ken, (Special Rewards)--------	104,064,138
Total, Home Department ---	1,370,434,51

Department of Finance:

Committee on Code Revision ,.....	39,040.—
Office Expenses ----------	1,620.—
Repairs ----------	120.—
Miscellaneous Expenses ---------	37,300.—
Total Finance Department --	39,040.—

War Department:

Restoring Buildings Destroyed by Fire ----------	28,272.50
Replacing Equipment of Same ----	27,625.165
Total, War Department ----	55,897.665

Department of Justice:

Repairs ---------- ------- --	31,808,052

Department of Education:

Restoring Buildings, Agricultural College, destroyed by Fire----	40,000.—
Replacing Equipment of Same ------	10,000.—
Total, Educational Dep't--	50,000.—

Department of Agriculture and Commerce:

Expenses of Delegates to International Geographical SocietyConvention--- 18,168.60

Total Special Expenditures- 1,565,348.827

Total Expenditure, ClassC, ---- 1,603,109.718

Class D .

Revenue,-

From Indemnity---------- 176,260.—

Expenditures,-

Department of Colonization: Supplementary Funds for Formosa--- 176,250.—

Class E.

Revenue,-

Brought Forward from last Year-- 139,306.637

Expenditures,-

Home Department:

Repair of Brick Wall of Miyagi Prison ---------- -- 10,798.—

Finance Department:

Expenses of Committee on Preparation for adoption of Revised Treaties------- 5,949.904

Office Expenses ----- --- 1,263,26

Travelling Expenses ------- 2,000.—

Miscellaneous Expenses---- 2,686.26

Department of Education:	
Earthquake Repairs--------	946.073
Solar Eclipse Expedition--	9.012.—
Total, Educational Dep't---	9.958.073
Department of Agriculture and Commerce:	
Aids to Tea Industry------	70,000.—
Department of Communications:	
Aids to Navigation -------	22,600.66
Relief Funds ------------	20,000.—
Total, Dep't of Communications	42,600.66
Total Expenditure, Class E,----	139,306.637

Correct Translation

Ramiller

U. S. Interpreter
of Legation.

2D ASSISTANT SECRETARY.
APR 16 1897

DIPLOMATIC
APR 17 1897
BUREAU.

No. 464.

INDEX BUREAU
REC'D.
APR 16 1897
DEPT. OF STATE.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 25, 1897.

Treasury & Senate Finance Committee informed Apl. 17.

Mr. Dun

to the Secretary of State.

Subject:

Gold Standard Bill passes Japanese Diet.

No. 464.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 25, 1897.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that the bill providing for a gold monetary standard in Japan, referred to in my Nos. 454, 457, and 461 of February 23, March 5, and March 12 respectively, was passed by the House of Peers of the Japanese Diet on the 23rd instant. The bill now needs only the approval of the Emperor to become a law.

A copy of this bill, which has been passed as introduced, I had the honor to forward to you with my No. 457 of the 5th instant.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Legation of the United States
Tokyo, March 30, 1897



CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

DEPT OF STATE
MAR 30 9 05 AM 1897

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

DIPLOMATIC BUREAU
MAR 30 1897

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
~~CARY NY NR MC~~		37		Govt Tokio

RECEIVED at Washington, D.C. March 30th -97 648A.M 189

Sherman,

Washington.

March thirtieth Japanese government much regret their ~~inability to participate in~~ of tomb ceremonies attending transfer of General Grant April twenty seventh owing to impossibility of war vessel reaching there in time.

Dun.

To Mayo Strong April 3

DIPLOMATIC

File

APR 26 1897

BUREAU.

2D ASSISTANT SECRETARY.

Ans. by Number and File.

APR 26 1897

No. 465.

REGISTERED

APR 26 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Closing of Tenth Session of the Japanese Diet.

No. 465.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that the tenth session of the Imperial Japanese Diet closed on the 25th ultimo.

In this connection I may add that all Government bills of importance have received the almost unqualified approval of the Diet just ended.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
APR 26 1897
BUREAU.

2D ASSISTANT SECRETARY.
To Postmaster Genl.
Ack appreciating action.
APR 26 1897

No. 466.

APR 26 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

✓ Ackd
✓ To P M G
Apl 27

Mr. Dun

to the Secretary of State.

Subject:

Japan appoints Delegates to Congress of the Universal Postal Union.

No. 466.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Referring to Instruction (unnumbered) of October 29, 1896, and to my No. 436 of December 21, 1896, relative to the appointment by Japan of delegates to the Congress of the Universal Postal Union which will convene at Washington on the first Wednesday in May, I have the honor to enclose herewith copy of a note from Count Okuma, H. I. J. M's. Minister for Foreign Affairs, informing me that Mr. K. Komatsu, Councillor and Secretary of the Japanese Department of Communications, and Mr. K. Yukawa, Secretary of the same department, had been appointed to represent Japan.

These gentlemen sailed for America by the S. S. "Empress of Japan" on the 26th ultimo.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:
Count Okuma to Mr. Dun. March 25, 1897.

Enclosure with Mr. Dun's No. 466.

(translation).

No. IO. Department of Foreign Affairs,

Tokyo, the 25th. day, the 3rd. month,

the 30th. year of Meiji.

His Excellency

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Monsieur le Ministre:

I have the honor to inform Your Excellency that Komatsu Kenjiro, Councillor and Secretary of the Department of Communications, and Yukawa Kwankichi, Secretary of the same Department, have been appointed the Delegates of His Imperial Majesty's Government to the Congress of the Universal Postal Union to be held at Washington, the United States of America, on May 5th., this year and they will leave here on the 26th. instant.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

(Signed):

Count Okuma Shigenobu,

Minister for Foreign Affairs.

File

DIPLOMATIC
APR 26 1897
BUREAU.

2D ASSISTANT SECRETARY.
Ask. by Number and File.
APR 26 1897

No. 467.

RECVD. APR 26 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

Mr. Dun

to the Secretary of State.

Subject:

"Observations on Fur Seals" sent Japanese Government.

No. 467.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of Instruction No. 388 of February 17, 1897, together with four copies of "Observations "on the Fur Seals of the Pribilof Islands" by Professor David Starr Jordan.

Two copies of the above report were transmitted by me to the Japanese Government and I am now in receipt of a note of acknowledgement and thanks from H. I. J. M's. Minister for Foreign Affairs, a copy of which I have the honor to enclose herewith.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure as above.

Enclosure with Mr. Dun's No. 467.

Translation. Department of Foreign Affairs,

Tokyo, the 30th. day, the 3rd. month,

the 30th. year of Meiji.

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Monsieur le Ministre:

I have the honor to acknowledge the receipt of Your Excellency's note of the I8th. instant, enclosing two copies of "Observations on the Fur Seals of Prebilof Islands;" prepared by David Starr Jordan, President of the Leland Stanford, Jr., University, with the request that the same should be transmitted to the Department interested in the preservation of the fur seal life.

I have the honor to express on behalf of His Imperial Majesty's Government a sense of high appreciation for the valuable present, and to inform you that the copies were at once transmitted to the Board of Fishery Inspection of the Department of Agriculture and Commerce.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed):

Count Okuma Shigenobu,

Minister for Foreign Affairs.

(Copy)

DIPLOMATIC
APR 26 1897
BUREAU.

File

No. 468.

2D ASSISTANT SECRETARY.
Mark by Number and File.
APR 26 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Measurements of Japanese Vessels.

No. 468.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the Department's instruction No. 390 of February 23, 1897, relative to the measurements of Japanese vessels operating between the United States and Japan and to inform you that a copy of the instruction, with a request for the information desired, has been transmitted to H. I. J. M's. Minister for Foreign Affairs.

Upon the receipt of a reply from the Japanese Foreign Office, I shall communicate the information therein contained to the Department.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
APR 26 1897
BUREAU.

2D ASSISTANT SECRETARY.
Inform Secy of Treasury -
Ack accordingly - a a k
APR 26 1897

No. 469.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

Mr. Dun

to the Secretary of State.

To Treas Apl 27
Ackd Apl 29

Subject:

Amended Rules for Prevention of Collisions at Sea adopted by Japan.

No. 469.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 2, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Referring to the correspondence upon the subject of the adoption by Japan of the Rules for the Prevention of Collisions at Sea, and more particularly to my No. 462, dated the 23rd ultimo, I have the honor to inform you that the law incorporating into the maritime code of Japan the "Amended Washington Rules" was approved by the Emperor on March 30th and promulgated in the Official Gazette on the 1st instant.

The Japanese regulations just adopted are identical in all respects with the "Amended Washington Rules" and are to take effect on July 1st, 1897.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
APR 26 1897
BUREAU.

2D ASSISTANT SECRETARY.
Copy to Grant Monument Com—
to complete correspondence
Ack with regret.
APR 26 1897

No. 470.

APR 26 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 3, 1897.

Acknd
To Mayor of N.Y.
Apl 27.

Mr. Dun

to the Secretary of State.

Subject:-

Japan cannot participate in ceremonies attending transfer of Grant Tomb.

No. 470.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 3, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Your telegram of March 27, inviting the Government of Japan to participate in the ceremonies attendant upon the formal delivery of the tomb of General Grant to the city of New York, was received by me on the 29th ultimo; and, on the same day, I obtained an interview with H. I. J. M's. Vice-Minister for Foreign Affairs, explained to him the nature of the ceremonies, and placed in his hands a copy of your telegram, together with an official note covering the same.

On the following day I was informed by the Vice Minister of Japan's inability to participate in the proposed ceremonies owing to the fact that all her men-of-war were in Asiatic waters and the impossibility of one reaching New York before the 27th April.

This information has been confirmed by an official communication from Count Okuma, H. I. J. M's. Minister for Foreign Affairs, dated the 2nd instant, copy of which I have the honor to enclose herewith.

I have the honor to be, Sir,
Your obedient servant,

Edwin Dun

One enclosure.

Enclosure with Mr.Dun's No. 470.

Translation. Department of Foreign Affairs,
Tokyo, the 2nd.day, the 4th.month,
the 30th.year of Meiji.

His Excellency
Edwin Dun,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.

Monsieur le Ministre:

I have the honor to acknowledge Your Excellency's note of the 29th.ultimo, enclosing copy of a telegram from the Honorable the Secretary of State inviting His Imperial Majesty's Government to send warships to participate in the ceremonies to take place on the 27th. of April next, on the occasion of the presenting to the city of New York by the Grant association, of the tomb erected in memory of General Grant on the bank of the Hudson river, in Riverside Park.

I have the honor to say in reply, that on consulting with the Minister of the Navy upon the matter, it was found that there is at present no warship of the Empire stationed at any port near enough to reach New York on the appointed day, and consequently His Imperial Majesty's Government much regret that they will be unable to accept the invitation.

I hope that Your Excellency will be so good as to communicate the above circumstances to the United States Government.

I avail

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

(Signed): ,

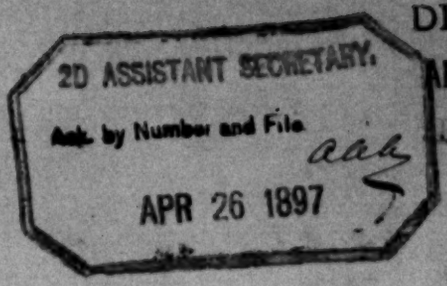
Count Okuma Shigenobu,

Minister for Foreign Affairs.

(Copy).

File





DIPLOMATIC
APR 26 1897
BUREAU.

No. 471.

Legation of the United States.

Tokyo, Japan, April 3, 1897.

Mr. Dun

To the Secretary of State.

Subject.

Reading of two telegrams in re participation by Japanese Government in ceremonies attending transfer of tomb of General Grant.

No. 471.

Legation of the United States.

Tokyo, Japan, April 3, 1897.

Honorable John Sherman,

Secretary of State, Washington.

Sir:

I have the honor to enclose herewith the reading of your telegram of the 27th. ultimo, and of my reply thereto dated March 30, 1897.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

I. Telegram Secretary of State to Mr. Dun, March 27, 1897.

2. " Mr. Dun to Secretary of State, March 30, 1897.

Enclosure with Mr Dun's No. 471.

I.

"Washington, March 27, 1897.

"Dun, Minister, Tokyo.

"The Grant municipal inaugural committee has requested the "President to officially invite the maritime nations to "send warships to participate in the ceremonies on April "twenty-seventh next when the Grant association will for- "mally deliver to the city of New York the tomb of General "Grant erected by voluntary subscription in Riverside "Park. It will be gratifying to this Government if this "courteous invitation could be accepted.

"Sherman".

2.

"Sherman, Washington.

"March thirtieth. Japanese Government regret their inabi- "lity to participate in ceremonies attending transfer of "tomb of General Grant April twenty-seventh owing to im- "possibility of war-vessel reaching there in time"

"Dun".

DIPLOMATIC
APR 26 1897
BUREAU.

2D ASSISTANT SECRETARY.
Refer Treasury? Was not this information requested by Treasury Dept?
APR 26 1897

No.472.

472

LEGATION OF THE UNITED STATES

Tokyo, Japan, April 3, 1897.

Mr. Dun

to the Secretary of State.

Subject.

Translations of Japanese Budget and Customs to be sent by next mail.

No. 472.

LEGATION OF THE UNITED STATES,

Tokyo, April 3, 1897.

Honorable John Sherman,

Secretary of State,

Washington.-

Sir:

Referring to my No. 463, of date the 23rd of March I have the honor to state that it having been impossible to secure adequate translations of the Japanese Budget for the present year and the new Customs Tariff, proper translations will be forwarded by the next mail.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Printed in Consular Reports Sept, 1897

DIPLOMATIC
JUN 1 1897
BUREAU.

2D ASSISTANT SECRETARY.
Ack + file. aag
JUN 1 1897

MAY 6 1897

No. 473.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 12, 1897.

Recd, To Treasury June 3

Mr. Dun

to the Secretary of State.

Subject:

Translatins of the budgets and customs tariff law.

THE CUSTOMS TARIFF LAW.

Tariff Annexed to Protocol of the Anglo-Japanese Treaty, Signed at London, July 16th, 1894.

	Ad Valorem, per cent.
Caoutchouk, manufactures of	10
Cement, Portland	5
Cotton:—	
Yarns	8
Tissues of all sorts, plain or mixed with tissues of flax, hemp, or other fibre, including wool, the cotton, however, predominating .	10
Glass, window, ordinary:—	
(*a*) Uncoloured and unstained... ...	8
(*b*) Coloured, stained, or ground ...	10
Hats, including also hats of felt	10
Indigo, dry	10
Iron and Steel:—	
Pig and ingot	5
Rails	5
Bar, rod, plate, and sheet	7½
Tinned plates...	10
Galvanized sheet	10
Pipes and tubes	10
Lead, pig, ingot, and slab	5
Leather:—	
Sole	15
Other kinds	10
Linen:—	
Yarns	8
Tissues	10
Mercury, or quicksilver	5
Milk, condensed or dessicated	5
Nails, iron	10

	Ad Valorem, per cent.
Oil, paraffin	10
Paint in oil	10
Paper, printing	10
Refined sugar...	10
Saltpetre	5
Screws, bolts, and nuts (iron)	10
Silk, satins, and silk and cotton mixtures.	15
Tin:—	
Block, pig, and slab	5
Plates	10
Wax, paraffin...	5
Wire:—	
Telegraph	5
Iron and steel, and rod iron and steel not exceeding ¼ inch in diameter	10
Woollen and worsted:—	
Yarns	8
Tissues of all sorts, plain or mixed with other material, the wool, however, predominating	10
Yarns of all sorts, not specially provided for	10
Zinc:—	
Block, pig, and slab	5
Sheet	7½

RULE FOR CALCULATING AD VALOREM DUTIES.

Import duties payable *ad valorem* under this Tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication to the port of discharge, as well as commission, if any exists.

Tariff Annexed to the Protocol of the Japanese-German T

[*Official Gazette* of November 20th, 1896.]

	Ad Valorem. per cent.
Cotton Fabrics:	
(1) Cotton Velvets	10
(2) All sorts of Piece Goods wholly of Cotton, or mixed with Flax, Jute, Wool, or any other spinnable material; Cotton, however, predominating	10
(3) Lead [Pig or Ingot].	5
Chemicals, Medicines and Drugs:	
(4) Red Phosphorus	10
(5) Subnitrate of Bismuth	10
(6) Bromides	10
(7) Quinine	8
(8) Chlorate of Potash	10
(9) Dynamite	10
(10) Iodide of Potash	10
(11) Nitrate of Potash	5
(12) Salicylic Acid	10
Wires:	
(13) Telegraph Wires	5
(14) Iron or Steel Wires, and small Iron or Steel rods, not exceeding ¾ inch in diameter	10
Iron and Steel:	
(15) Pig	5
(16) Rails	5
Bars, Rods, and Plates:	
(17) Of Iron	7½
(18) Of Steel	7½
(19) Galvanized Plates (corrugated or otherwise)	10
(20) Tin plates of Iron or Steel	10
(21) Pipes and Tubes	10
(22) Railway Carriages, and parts of	5
(23) Iron Nails	10
(24) Iron Screws, Bolts and Nuts (including those galvanized)	10
Window Glass (ordinary):	
(25) Uncolored and Unstained	8
(26) Colored, Stained, and Ground	10
Dyes and Paints:	
(27) Aniline Dyes	10
(28) Alizarine Dyes	10
(29) Logwood Extract	10
(30) Paints in Oil	10
Yarns:	
(31) Of Cotton	
(32) Of Flax, Hemp, Jute, Wool, (including Carded Wool)	
(33) For Weaving purposes	
(34) For other purposes	
(35) Other sorts of yarns, not enumer	
(36) Satins of Cotton and Silk	
(37) Hop	
(38) Hats (including Hats of Felt)	
(39) India Rubber, Manufactures of	
(40) Flax and Hemp Piece Goods	
Leather:—	
(41) Sole	
(42) Other sorts	
(43) Railway Engine Cars, and parts	
Milk:	
(44) Condensed or Evaporated	
(45) Sterilized	
(46) Papers	
(47) Paraffine Oil	
(48) Paraffine Wax	
(49) Portland Cement	
(50) Clocks (Watches not included) a parts of	
Woollen Piece Goods (including those Yarns), either wholly of Wool or m other material, Wool, however, p ing:	
(51) Blankets	
(52) Flannels	
(53) Mousseline de Laine	
(54) Woollen Cloths	
(55) Italian Cloths	
(56) Other Piece Goods	
Zinc:	
(57) Block, Ingot and Slab	
(58) Thin Plates	
(59) Refined Sugar	

RULES FOR CALCULATING AD VALOREM

Duties payable *ad valorem* under th shall be calculated on the actual co articles at the place of purchase, prod fabrication, with the addition of the insurance and transportation from the purchase, production, or fabrication to th discharge, as well as commission, if any

Tariff, as passed by Bill of the Imperial Parliament and published in the Official Gazette.

The Customs Tariff Law, as passed by Imperial Parliament, has been published the *Official Gazette*. It divides articles im- ed into three classes, (1) dutiable, (2) free duty, and (3) prohibited for importa- . Articles for the use of the Imperial ily; arms, powder and explosives im- ted by the Army or Navy; ships and ts for the Navy; articles for the use oreign Ministers to Japan; medals and orations; archives and other documents; nples of merchandise; personal effects of vellers; articles to be permanently ex- ited in official or private museums; home oduce, other than tobacco and liquors, re- ported within five years in the condition which they had been exported; articles ported for repairs and reimported, are luded among articles free of duty. Articles porarily imported for repairs, for the of scientific investigators or travellers, experimental purposes, for use as samples merchants, manufacturers or traders velling for the purpose of obtaining lers, or for show and performance purposes also free of duty, when they are to be exported within six months; it being, wever, required of the importer to guarant ch re-exportation by depositing a sum equ the import duties of such articles, or curity in some other form. Below is the ariff annexed to the Law.

CLASS I.—DUTIABLE.

Section I.—Arms, Clocks, Scientific Apparatus, and Machinery.

		Ad Valorem. per cent.
)	Cannon, Muskets, Revolvers, Swords, Cannon Balls, Powder, and all Arms and Munitions of War ...	25
2)	Balances and Scales	10
3)	Barometers	10
4)	Opera or Field Glasses :—	
	(*a*) Leathered or Lacquered	15
	(*b*) All others...	20
5)	Clocks and Parts of	20
6)	Compasses, Clocks and Parts of (for Mariners' use)	10
)	Crucibles (all sorts)	10
(8)	Cutlery (other than mentioned elsewhere...	20
(9)	Diving apparatus and Parts of ...	10
(10)	Electric-light Machinery and Parts of...	10
(11)	Fire-engines and Parts of	10
(12)	Agricultural and Mechanical Implements and Parts of	5
(13)	Musical Instruments and Fittings of	15
(14)	Chemical, Drawing, Surveying, Surgical, and other scientific Instruments (other than mentioned elsewhere)	10
(15)	Photographic Instruments and Parts of	15
(16)	Railway Engine-cars and Parts of ...	10
(17)	All other Machinery and Instruments (other than mentioned elsewhere)	10
(18)	Microscopes and Parts of	10
(19)	Phonographs and Parts of...	25
(20)	Pumps and Parts of	10
(21)	Sewing Machinery and Parts of ...	10
(22)	Spectacles and Parts of	10
(23)	Fowling pieces and Fittings of... ...	25
(24)	Boilers, Engines, and Parts of... ...	10
(25)	Telephonic Machinery and Parts of..	10
(26)	Telescopes	10
(27)	Thermometers	10
(28)	Typewriters	10
(29)	Watches, Cases and Fittings of :—	
	(*a*) Made of Gold or Platinum... ...	30
	(*b*) Made of Silver, and other sorts...	25
(30)	Watch-machinery and Parts of ...	15

Section II.—Beverages and Provisions.

(31)	All Beverages not containing Alcohol, such as Mineral, Lemonade, or Soda Water...	10
(32)	Biscuits :—	
	(*a*) Ships biscuits...	10
	(*b*) Sweet biscuits	15
(33)	Butter	15
(34)	Cheese	15
(35)	Coffee	20
(36)	Confectioneries and Preserves	25
(37)	Fresh Eggs	10
(38)	Flour of all kinds	10
(39)	Fresh and Dried Fruits and Corn (other than mentioned elsewhere).	15
(40)	Ham and Bacon	15
(41)	Fresh Meat	10
(42)	Condensed or Dessicated Milk	15
(43)	Pepper	15

	Ad Valorem. per cent.
(44) Salt (Marine or Mineral, irrespective) :	
(a) Crude	10
(b) Refined	15
(45) Salted Fish	15
(46) Salted Meat	10
(47) Kantengusa or Tokorotengusa... ...	10
(48) Tea	25
(49) Vegetables, green, dry, or salted ...	10
(50) All other Provisions	15

Section III.—Clothing and Apparel

(51) Boots and Shoes	20
(52) Braces and Suspenders	
(a) Made of, or mixed with Silk ...	25
(b) All other sorts	20
(53) Buttons (other than Ornamental Buttons)	20
(54) Comforters and Tippets :	
(a) Made of, or mixed with Silk ...	25
(b) All other sorts	20
(55) Gloves (all sorts)	20
(56) Hats, Caps, &c. :	
(a) Inlaid with Gold, Silver or Precious Stones	30
(b) Made of, or mixed with Silk ...	25
(c) All other sorts	20
(57) Neckties :	
(a) Made of, or mixed with Silk ...	25
(b) All other sorts	20
(58) Shawls :	
(a) Woollen and embroidered, or made of or mixed with Silk ...	25
(b) All other sorts	20
(59) Shirts	20
(60) Socks and Stockings (merino work, irrespective of sizes) :	
(a) Made of Cotton or Wool, or mixed with both	20
(b) Made of, or mixed with Silk ...	25
(c) All other sorts	20
(61) Ornamental Buttons (Studs and Solitaires) :	
(a) Made of Gold or Platinum (either inlaid or not with precious stones)	30
(b) All other sorts	25
(62) Trimmings (Ribbons, Laces, Tassels, Knots, Metallic Threads or Ribbons, &c., not mentioned elsewhere) :	
(a) Made of or mixed with Gold or Silver	30
(b) Made of or mixed with Silk ...	25
(c) All other sorts	20
(63) Underwear (merino) :	
(a) Made of or mixed with Cotton or Wool	20
(b) Made of or mixed with Silk ...	25
(c) All other sorts	20
(64) Waterproof Coats :	
(a) Made of or mixed with Silk ...	25
(b) All other sorts	20
(65) All other Clothing and Apparel :—	
(a) Made of or mixed with Silk ...	25
(b) All other sorts	20

Section IV.—Drugs, Chemicals, and Medicines

Under this head, 71 articles—No. 66 to No. 136—are mentioned, the rate being 10 per cent, except for alcohol and musk, natural and artificial, on which are imposed duties of 40 and 15 per cent, respectively.

Section V.—Dyes and Paints.

Under this head, 30 Articles—No. 137 to No. 166—are mentioned, the rates being 10 per cent, except for gold, silver, and platinum fluids, on which are imposed duties of 15 per cent.

Section VI.—Glass and Glassware

(167) Window Glass (ordinary) :	
(a) Uncoloured and Unstained ...	10
(b) All other sorts	15
(168) Plate Glass (either quicksilvered or not)	20
(169) Glass Beads (Venice Beads)	20
(170) Broken or Powdered Glass	5
(171) Looking Glasses	25
(172) All other Glassware (other than mentioned elsewhere)	20

Section VII.—Grain and Seeds

(173) Barley	5
(174) Beans, Peas and Pulse	5
(175) Indian Corn	5
(176) Oats	5
(177) Sesame	5
(178) Wheat	5
(179) All other Grain and Seeds (other than mentioned elsewhere)... ...	5

Section VIII.—Horns, Ivory, Skins, Hair, Shells, &c.

(180) Animal Bones	5
(181) Feathers (all sorts)	25
(182) Furs	25
(183) Animal Hair (Wool and Camel Hair excepted)...	5
(184) Human Hair	20
(185) Buffalo and Cow Hides (raw, dry or salted, and not dressed)... ...	5

	Ad Valorem. per cent.
Deer Skins (raw, dry or salted, and not dressed)	5
Samba Skins (raw, dry or salted, and not dressed)	5
Hoofs	5
Cow and Buffalo Horns	5
Deer Horns	5
Rhinoceros Horns	10
Elephants' Teeth	10
Elephants' Teeth, waste	10
Narwhals' Teeth	10
Sea-horses' Teeth	10
Sole Leather	15
All other sorts of Leather...	15
Tortoise-shells	15
Tortoise-shells, waste	15
All other sorts of Bones, Horns, Skins and Shells	5
All other sorts of Animal Teeth ...	10

Section IX.—Metals and Manufactures

Antimony (Block and ingot)	5
Brass :—	
Bars, Rods and Plates	10
Pipes and Tubes	10
Screw Nails...	10
Old Brass (for recasting)	5
Copper :—	
Block and Ingot...	5
Bars, Rods, and Plates	10
Nails	10
Pipes and Tubes	10
Wires	10
Copper and Nickel Coins	5
Old Copper (for recasting)	5
German Silver (Plates, Rods and Wires)	10
Iron and Mild Steel :—	
Pig Iron and Ingot	5
Sheathing Iron and Steel...	5
Bars, Rods, Hoops and Bands... ...	10
Tee, Angle and other similar Wrought Iron and Mild Steel ...	10
Rails and accessory, Bolt and Nut Screws, Chairs, Dog Spikes, Fish Plates, &c.	10
Plates (corrugated or otherwise) ...	10
Galvanized Plates (corrugated or otherwise)	10
Figured Plates	10
Pipes and Tubes	10
Nails (galvanized or not, other than mentioned elsewhere)	10
Screws, Nuts and Bolts (other than mentioned elsewhere)	10
Tin Plates, Iron or Steel (plain or Crystallized)	10
Wires and Small Rods not exceeding ¼ inch in diameter...	10
Telegraph Wires (galvanized) ...	10

		Ad Valorem. per cent.
(229)	Wire Ropes (galvanized or not) ...	10
(230)	Old Wire Ropes (galvanized or not)	5
(231)	Old Hoops and Wires and other sorts of Old Iron or Mild Steel (for recasting)	5
	Lead :—	
(232)	Pig and Ingot	5
(233)	Plates	10
(234)	Pipes and Tubes...	10
(235)	Mercury	5
(236)	Nickel	5
	Platinum :—	
(237)	Block	5
(238)	Bars, Rods, & Wires...	10
(239)	Solder (all sorts)	5
	Steel (other than Mild Steel) :—	
(240)	Block	5
(241)	Bars, Rods and Plates	10
(242)	Pipes and Tubes...	10
(243)	Wires, and Small Rods not exceeding ¼ inch in diameter...	10
(244)	Wires (for umbrella ribs)	10
(245)	Wire Ropes (galvanized or not) ...	10
(246)	Old Files and other Old Steel (for recasting)	5
	Tin :—	
(247)	Block and Ingot...	5
(248)	Plates	10
(249)	Babbit Metal	5
	Yellow Metal :—	
(250)	Plates	10
(251)	Bars and Rods	10
(252)	Nails	10
(253)	Pipes and Tubes...	10
(254)	Old Yellow Metal (for recasting) ...	5
	Zinc :—	
(255)	Block and Ingot	5
(256)	Plates	10
(257)	Old Plates and other Old Zinc (for recasting)	5
(258)	Nails and Screws, other than mentioned elsewhere	10
(259)	Anchors and Anchor Chains (old or new)	10
(260)	Metal Fittings for Hand-bags... ...	15
(261)	Capsules	15
(262)	Iron Chains, other than mentioned elsewhere	15
(263)	Door chains, Door handles, Hinges...	15
(264)	Gold, Silver, and the other metallic Leaves and Dust	15
(265)	Gold and Silver Ware, other than mentioned elsewhere	35
(266)	Electroplated Ware, other than mentioned elsewhere	25
(267)	Grates, Stoves, and accessories ...	20
(268)	Safes	20
(269)	Umbrella ribs and accessories ...	15
(270)	Metals not mentioned elsewhere ...	5
(271)	Metallic Ware, not mentioned elsewhere	20

		Ad Valorem. per cent.
	Section X.—Oil and Wax	
(272)	Candles	15
(273)	Volatile Oil	10
(274)	Bean or Pea Oil	10
(275)	Castor Oil	10
(276)	Cocoanut Oil	10
(277)	Groundnut Oil	10
(278)	Kerosene	10
(279)	Linseed Oil	10
(280)	Olive Oil	10
(281)	Palm Oil	10
(282)	Paraffin Oil	10
(283)	Spirit of Turpentine	10
(284)	Honey Wax	10
(285)	Paraffin Wax	10
(286)	Other sorts of Oil and Wax	10
	Section XI.—Papers and Stationeries	
(287)	Albums	25
(288)	Notebooks and Forms	15
(289)	Ink (Printing, Writing, Copying, or Lithographic)	15
(290)	Chinese Papers	15
(291)	Wall Papers	15
(292)	Printing Papers	15
(293)	Other sorts of Paper	15
(294)	Pencils :—	
	(*a*) Made of Gold or Platinum	30
	(*b*) All other sorts	15
(295)	Pens :—	
	(*a*) Made of Gold	30
	(*b*) All other sorts	15
(296)	Sealing Wax	15
(297)	Straw paper	15
(298)	All other Stationeries	15
	Section XII.—Sugar	
(299)	Sugar, Ordinary	5
(300)	Loaf, Lump, &c.	20
(301)	Rock Candy	25
(302)	Molasses	10
(303)	Syrup	10
	Section XIII.—Textile Fabrics, Yarns, Threads, and Raw Materials thereof	
	PART 1.	
(304)	Cotton Yarns	10
(305)	Cotton Threads	15
(306)	Cotton fabrics, for book-binding purposes	15
(307)	Cotton Damasks	15
(308)	Cotton Drills	15
(309)	Cotton Ducks	15
(310)	Printed Cotton	15
(311)	Cotton Satins, Brocades, Italian Cloths, and Figured Shirtings	15
(312)	Cotton Velvets	15
(313)	Ginghams	15
(314)	Gray Shirtings	15
(315)	White Shirtings	15
(316)	Twilled Shirtings	15
(317)	Dyed Shirtings	15
(318)	Taffachelasses	15
(319)	T Cloths	15
(320)	Turkey reds	15
(321)	Victoria Lawns	15
(322)	All other Cotton Piece Goods (either wholly of cotton, or mixed with other material; cotton, however, predominating in weight)	15
	PART 2.	
(323)	Woollen and Worsted Yarns	10
(324)	Alpacas	15
(325)	Balzarines	15
(326)	Buntings	15
(327)	Camlets, Lastings, &c.	15
(328)	Camlet Cords	15
(329)	China Figures	15
(330)	Flannels (wholly of wool, or mixed with cotton	15
(331)	Italian Cloths	15
(332)	Long Ells	15
(333)	Mousseline de Laine (wholly of wool or mixed with cotton)	15
(334)	Orleans and Lustres	15
(335)	Serges	15
(336)	Spanish Stripes	15
(337)	Woollen Cloths (all sorts)	15
(338)	Woollen Damasks	15
(339)	Woollen Felts	15
(340)	All other sorts of Woollen Piece Goods (wholly of wool, or mixed with other material; wool, however, predominating in weight	15
	PART 3.	
(341)	Raw Silk, Waste Silk, &c.	15
(342)	Floss silk	15
(343)	Silk Yarns (spun), pure or mixed	15
(344)	Silk threads (other than mentioned elsewhere)	20
(345)	Chinese Crapes	20
(346)	Chinese Pongee	20
(347)	Chinese Silk Satins	20
(348)	Chinese Figured Silk Satins	20
(349)	Satins mixed with cotton and silk	20
(350)	Embroidered Piece Goods, wholly of silk or mixed with cotton	25
(351)	All other sorts of Silk Piece Goods (wholly of silk, or mixed with cotton; silk, however, predominating in weight)	20
	PART 4.	
(352)	Flax and Hemp Yarns	10
(353)	Flax and Hemp Threads	15
(354)	Canvas	15
(355)	Linen (gray, white, dyed or printed)	15
(356)	Flax or Hemp Damasks	15

	Ad Valorem, per cent.
All other sorts of Flax or Hemp Piece Goods (wholly of flax or hemp, or mixed with other material; flax or hemp, however, predominating in weight)	15
Blankets (single or joined)	15
Brussels Carpets	20
Felt Carpets	20
Hemp or Jute Carpets	20
Patent Tapestries	20
All other sorts of Carpets	20
Chikufu	15
Curtains :	
(a) Made of, or mixed with silk ...	25
(b) All other sorts	20
Elastic Webbings :—	
(a) Mixed with silk	20
(b) All other sorts	15
Elastic Ribbons, Strings, &c.	15
Handkerchiefs :	
(a) Made of Cotton, flax or hemp, or mixture of them (joined or single)	15
(b) Silk and Lace Handkerchiefs ...	25
Mosquito nettings (all sorts)	20
Leather Cloths (for use as furniture)	15
Oil Cloths and Linoleum	15
Table cloths :	
(a) Made of or mixed with silk ...	25
(b) All other sorts	20
Towels (single or joined)	15
Travelling Rugs (single or joined):	
(a) Mixed with silk	25
(b) All other sorts	15
Cotton, Flax, Hemp or Jute Threads	10
Yarns and Threads (other than mentioned elsewhere)	15
All other sorts of Cloths	15
All other Manufactures of Textile Fabrics :	
(a) Made of or mixed with silk ...	25
(b) All other sorts	20

Section XIV.—Tobaccos.

Cigars	40
Cigarettes	40
Snuffs	40
Cut	40
Leaves	35
All other Manufactures of Tobacco.	40

	Ad Valorem, per cent.
Section XV.—Liquors.	
(385) Beer, Ale, Stout and Porter	25
(386) Brandy	40
(387) Champagne	35
(388) Chinese Liquors (all sorts)	40
(389) Gin	40
(390) Liqueur (all sorts)	40
(391) Port	35
(392) Rum	40
(393) Sake (similar to home produce) ...	40
(394) Sherry	35
(395) Vermouth	35
(396) Whisky	40
(397) Wine (red or white)	35
(398) All other Distilled Liquors	40
(399) All other Brewed Liquors	35
Section XVI.—Miscellaneous.	
(400) Aloes Wood	10
(401) Amber :—	
(a) Unworked	10
(b) Worked	20
Animals :	
(402) Cattle, Horses, Donkeys, Asses, Sheep, Goats, Fowls	5
(403) All other animals	10
(404) Asbestos (plates)	10
(405) Bamboo (unworked)	5
(406) Leather Bands, Caoutchouc Bands, Canvas, India-rubber Tubes and Canvas Hose (for machinery use.)	10
(407) Billiard Tables and accessories	30
(408) Blasting, Gelatine, other similar explosives, Detonator and Fuse. ...	15
(409) Bricks and Tiles (for building purposes.)	10
(410) Brushes and Brooms	20
(411) Sticks and Whips	20
(412) India-rubber and Guttapercha :	
(a) Raw	5
(b) Sheets	10
(c) Worked (other than mentioned elsewhere)	20
(413) Carriages, Cycles, and parts thereof	25
(414) Railway Carriages and parts thereof	10
(415) Railway Waggons and parts thereof	10
(416) Tram Cars and parts thereof	10
(417) Drays	10
(418) Celluloid :	
(a) Sheets or Rods	10
(b) Worked	20
(419) Portland Cement	5
(420) Chalk and Whiting	5
(421) Charcoal and Bone black	5
(422) Clay (all kinds)	5

	Ad Valorem. per cent.
(423) Coal	15
(424) Coke	15
(425) Coral (worked or otherwise)	30
(426) Hemp Ropes (for rigging or otherwise)	10
(427) Cork-tree bark	5
(428) Corks	10
(429) Glass cutters	10
(430) Dynamite	15
(431) Emery	5
(432) Emery papers and cloths	5
(433) Emery and other Whetstones	5
(434) Felt (for ship or roofing)	10
(435) Fireworks (all sorts)	30
(436) Fishing Gut	5
(437) Flints	5
(438) Artificial Flowers	25
(439) Picture Frames and Beadings	20
(440) Funori	5
(441) Furniture (old or new, other than mentioned elsewhere)	20
(442) Tennis, Cricket, Chess, and other sporting apparatus (other than mentioned elsewhere)	25
(443) Glue (ordinary)	5
(444) Gun-cotton	15
(445) Powder (all sorts)	15
(446) Gypsum	5
(447) Fodder	5
(448) Ivory, manufactures of (other than mentioned elsewhere)	20
(449) Gold and Silver ware (either inlaid with precious stones, pearls, &c., or not)	35
(350) Imitation Gold or Silver ware (inlaid with precious stones, pearls, &c., or not)	30
(451) Labels (for bottles, tins, &c.)	15
(452) Lamps, Lanterns, and parts of	20
(453) Lard and Tallow	10
(454) Leather Manufactures (other than mentioned elsewhere)	20
(455) Malt	5
(456) Matches (all sorts)	20
(457) Chinese Mattings (40 yards per roll)	20
(458) Cocoa Mattings	20
(459) Mats for Floor, all kinds	20
(460) Mica, sheets	10
(461) Oakum	5
(462) Packing (for steam engines)	10
(463) Oil-paint, Water-colour, Lithographic, and Coloured Lithographic Pictures, Photographs, Caligraphs, and other pictures and writings not mentioned elsewhere	25
(464) Asphalt, Wood or Coal Tar	5
(465) Plaster of Paris	5
(466) Cards (all sorts)	35
(467) Graphite	5
(468) Porcelain and Earthen Ware (other than mentioned elsewhere)	20
(469) Precious Stones and Pearls	35
(470) Imitation Precious Stones and Pearls	
(471) Pulp (for paper-making)	
(472) Putty	
(473) Rattans (either split or entire)	
(474) Saddlery	
(475) Sandal Wood	
(476) Shoe blacking (all sorts)	
(477) Smoking Apparatus (those for opium-smoking excepted)	
(478) Soap:	
(a) Toilet	
(b) All other sorts	
(479) Soapstone (block or powder)	
(480) Spaltery (?), for hat-making	
(481) Sponges	
(482) Stones:	
(a) Those for building purposes, and other blocks unworked	
(b) Those for ornamental or house furnishing purposes, and other blocks worked	
(c) Sculptures and engravings	
(483) Submarine and Underground Cables	
(484) Rosetta Wood	
(485) Teak Wood	
(486) Wood and Planks (other than mentioned elsewhere)	
(487) Toilet Boxes	
(488) Perfumed Water, Hair Oil, Tooth powder, and other Cosmetics and Perfumeries	
(489) Tortoise-shell Manufactures	
(490) Toys (all sorts)	
(491) Trunks, Hand-bags, purses, &c.	
(492) Umbrellas:	
(a) Made of or mixed with silk	
(b) All other sorts	
(493) Umbrella Handles and Sticks (those made of gold or silver excepted)	
(494) Steamers, Sailing Vessels and other Ships and Boats	
(495) Rosetta and Ebony Ware	
(496) Raw, Crude, or Unmanufactured Material, not enumerated	
(497) Manufactured or Half-manufactured Articles, not enumerated	

CLASS II.—FREE OF DUTY.

(498) Writings and Pictures for Advertisements and Signboards.
(499) Bone Ashes.
(500) Maps, Charts and other Scientific Drawings.
(501) Bank-notes, Coupons, Share-bonds, and other Value-bearing Notes.
(502) Books, Penmanship and Drawing Copy Books, Newspapers and Magazines.

Gold and Silver (bullion).
Cocoons (all sorts).
Gold and Silver Coins.
Old Cotton.
Ginned Cotton.
Raw Cotton.
Waste Cotton.
Waste Cotton Yarns.
Hemp (carded or not).
Guano.
Gunny Bags (old or new).
Gunny Cloth.
Packing Mats.
Models and Draughts.
Oil-cakes.
Opium for Medicinal purposes (imported by the Government).
Plants, Sprouts, and Roots.
Rice and Husked Rice.
Dried Sardines.
Tea-baskets, Tea-sieves, and Tea-winnowers.
Tea-pans.
Tea-lead.
Wool, Goat Hair, and Camel Hair (old or new).

CLASS III.—PROHIBITED FROM IMPORTATION.

(526) Drugs, Chemicals, Medecines, Beverages and Provisions, of impure nature, to be regarded injurious, under laws and orders.
(527) Opium-smoking apparatus.
(528) Articles to be regarded as injurious to the public health or to animals and plants, under laws or orders.
(529) Articles infringing the law of the Empire relating to patent designs, trade-marks and copyrights.
(530) Counterfeit Money, or Imitation Money to be regarded as counterfeit.
(531) Opium (opium for medicinal purposes inported by the Government excepted).
(532) Books, Pictures, Sculptures, Engravings, etc., injurious to the public peace or morality.

It is provided that some of the items given in the above Tariff may be altered to specific duties based on average prices of six months or more THE DATE OF THE ENFORCEMENT OF THE TARIFF LAW IS TO BE FIXED BY AN IMPERIAL ORDINANCE.

No. 473.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 12, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Heferring to my No. 472 of the 3rd instant, I have the honor to enclose herewith translations of the general, special and supplementary budgets, and of the customs tariff law, passed by the last session of the Imperial Japanese Diet.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. General, special and supplementary budgets.
2. Customs tariff law.

DIPLOMATIC
MAY 6 1897
BUREAU.

2D. ASSISTANT SECRETARY.
To Secy of the Treasury.
Ack & file. aak
MAY 6 1897

No. 474

Legation of the United States.

Tokyo, Japan, April 12, 1897.

To Treasury May 7

Mr. Dun

to the Secretary of State.

Subject:

Enforcement of amended rules for the prevention of collisions at sea.

No. 474.

Legation of the United States.

Tokyo, Japan, April 12, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

Referring to my No.469, of date April 2, I have the honor to enclose herewith copy of a note received by me from Count Okuma on the seventh instant, in whih he informs me that the Japanese amended rules for the prevention of collisions at sea were duly promulgated by Law No.43 on the 30th. of March, last, and are to come into effect on the Ist. of July of the present year, in accordance with the desire of the Government of the United States.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

5

Enclosure:

Count Okuma to Mr. Dun, April 7, 1897.

Enclosure with Mr.Dun's No. 474

(Translation).

Department of Foreign Affairs,

Tokio, the 7th.day, the 4th.month,

the 30th.year of Meiji.

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Monsieur le Ministre:

Referring to my note No.9 of the 8th. ultimo with regard to the enforcement of the amended rules for the prevention of collisions at sea, I have the honor, to inform Your Exellency that our amended regulations were duly promulgated by Law No.43 on the 30th.day of the 3rd.month last, and the same are to come into force on the Ist.day of the 7th.month of the present year, in accordance with the desire of Your Excellency's Government.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed:)

Count Okuma Shigenobu,

Minister for Foreign Affairs.

File

DIPLOMATIC
MAY 6 1897
BUREAU.

No. 475.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 12, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Report on Japanese currency sent to Director of the Mint.

No. 475.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 12, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

In compliance with the Department's instruction of date January 22, 1897, I have to-day forwarded to the Director of the Mint a report upon the currency and finances of Japan.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
MAY 6 1897
BUREAU.

No. 476

2D ASSISTANT SECRETARY.
Copy to Secy of Interior.
Mr. Conway may print.
Ack. MAY 6 1897

Legation of the United States.

Tokyo, Japan, April 12, 1897.

INDEX BUREAU
RECD.
MAY 6 1897
DEPT. OF STATE

To Interior
May 17
Ack. May 21. 97

DIPLOMATIC
BUREAU

Mr. Dun

to the Secretary of State.

Subject:

Enclosing translation of the Regulations for Patents, Trade Marks and Designs.

No. 476.

Legation of the United States.

Tokyo, Japan, April 12, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith translation of the Regulations for Patents, Trade Marks, and Designs in Japan.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Translation as above.

Correct Translation
E. W. Clement
Acting U. S. Interpreter
of Legation.

PATENTS DESIGNS AND TRADE - MARKS.

Rules for carrying out the Patent Law published the I8th. day of the IIth. month of the 25th. year of Meiji, (A.D. I892),to be in force from the first day of the I2th. month of the same year.

Section I.- General Provisions.

Art.I.- All documents filed at the Patent Bureau shall be made out separately for each subject,have the date of filing and the name,status,occupation and residence of the depositor,and the specifications and drawings shall bear only the name and the seal of the depositor. Demand for trial,statement of particulars,reply relating to interference,or trial,or amendment,shall be made in such number of copies as the number of the other party or parties,besides the original documents.

Art.2.- All documents must be clearly written and no alterations or erasures must be made; and,when words are to be omitted or inserted,or written in the margin they must be stamped with the party's seal. Words to be omitted shall not be erased,but shall be noted and numbered in the margin.

Art.3.- When documents,drawings,models,etc.,are imperfect or of doubtful meaning,or require explanation, the Director of the Patent Bureau or the presiding judge shall inform the depositor thereof and direct him to amend,reconstruct,or answer within sixty (60) days from the date of notice in writing.

Art.4.- When a depositor finds anything imperfect or obscure in his documents,drawings,or models,he may ask to be allowed to amend or reconstruct them. When

When the foregoing application introduces changes in essential parts,or the Director (or presiding judge) does not recognize the necessity for application,it shall be rejected.

Art.5.- When demand for trial,statement of particulars,reply relating to interference or trial,have been amended,the Director (or presiding judge) shall send the amended documents to the parties concerned.

Art.6.- When from an unavoidable cause it is impossible to take the ordinary or proscribed course within the term established by these rules,the party shall state in writing the reasons,and as far as oral trial is concerned,shall,with the consent of the other party,file an application for postponement.

When the Director (or presiding judge) considers such a request reasonable,he shall decide upon a suitable time and give notice thereof to all parties concerned.

Art.7.- When an applicant does not take the ordinary or designated course within the proscribed term as fixed by the rules or by the Director (or presiding judge),the application shall be refused.

Demand for trial,particulars,demand for postponement of trial,reply relating to interference or trial,and amendment shall not be received unless filed within the term stated in the preceding paragraph.

Art.8.- Demand for trial,particulars,reply relating to interference or trial,shall be accompanied by evidence necessary to prove the alleged facts.

Art.9.- Documents,drawings,models and specimens

specimens shall not be returned except those deposited as evidence.

Art.10.-.When the applicant,or defendant,or any other party concerned,appears by attorney,notice shall be given thereof,and the power of attorney shall be exhibited. When the Director (or presiding judge) considers the attorney or attorneys unfit,he may,with the approval of the Minister of State for Agriculture and Commerce,direct the appointment of a new attorney or attorneys.

Art.11.- The term of a patent can not be altered after it has been once granted.

Art.12.- The Director shall,with the approval of the Minister of State for Agriculture and Commerce,publish the registration,amendment,revocation,annulment,or cancellation of patents,and other important matters relating to the same,in the official Gazette and the Patent Report.

Section II. - Application for Patents.

Art.13.- Applications for patents shall be made in accordance with forms Nos.1,2,& 3,and registration stamps shall be affixed of such value as corresponds with the fee under Article 30,No.1 of the Patent Law.

Art.14.- When an applicant wishes to obtain a patent on joint account with,or in the name of,another,he shall so state in his application;and,if it concerns patent of improvement under Article 8 of the Patent Law, he shall annex a written statement of license from the patentee,or the reason for not doing so when he cannot obtain it.

Art.I5.- When an applicant cannot file the specifications or drawings at the time of application,he may first file the application only,and subsequently file the specification and drawings within ~~30~~ thirty (30) days from the date of filing the application. In the latter case,a document is needed stating that the drawings or specifications are to acompany an application for a certain invention filed on such and such a date.

Art.I6.- When application,specification and drawings are complete,the Director shall put a serial number upon the application and give notice thereof to the applicant. All documents referring thereto must,after the above notice has been received,bear the serial number of the application.

Art.I7.- When,after the filing of an application for patent,a person desires to obtain the patent on joint account with,or in the name of another,he shall make application therefor before registration in the Patent Register. After registration,no such application can be received.

Section III.

Specifications,Drawings,Models and Specimens.

Art.I8.- Specifications shall be made under the following heads:

I. Title of invention. Every invention shall have a general name which sufficiently describes its nature and purposes.

2. Abstract of the nature and purposes of the invention. The structure,functions and operation of the invention shall be briefly described.

3. Short explanation of drawings,if any. The pesition,

position,view and parts of diagram indicated by figures shall be clearly explained.

4. Detailed explanation of,the invention:-
The invention shall be fully explained with all details necessary for its working (reference to be made to diagrams if any),so that any person of ordinary ability will not experience any difficulty in working the invention. The meaning of words in the extent of claim must be defined.

5. Relation of an improvement of an invention to the original invention:- The difference between the original invention and the improvement,the essential points of combination,and the results obtainable by co-operation must be pointed out.

6. Extent of claim for a patent:- Those particulars alone which are indispensable for constituting an invention shall be pointed out.

Art.I9.- In the following cases only,the extent of claim in the specification should be separated:-

I. When,in order to make plain the scope of the patent right,the parts new and constituting an invention are stated in several ways.

2. When,in order to ascertain the patent right,the invention,or parts new and constituting an invention are separately stated.

Art.20.- Drawings must show the parts necessary to make an invention clear. If the invention refers to improvement,the relation between it and the original invention must be drawn.

Art.2I.- With reference to models and specimens,

specimens, only those parts which are essential to the invention need be strongly constructed of metal or wood, and the length, breadth and height shall not exceed one shaku (foot). If the article is fragile or perishable, the depositor must take proper precautions. When, however, the article of an application for patent is of some special material or when the Director approves or so orders, this rule shall not apply.

Art. 22.- The patentee, shall, by order of the Director deposit the model or specimen of his invention for exhibition.

Art. 23.- When a model or specimen has become useless the Director shall notify the Depositor to take it away, and, in the event of his not doing so within ninety (90) days from the date of such written notice, the Director shall dispose of it at his discretion. The Director shall not be liable for damage or loss of models or specimens.

Section IV.- Examination.

Art. 24.- Inventions shall be examined in the order of serial numbers of the applications, except in the following cases:

Application for patent under Article 7 of the Patent Law.

2. Applications for patent under Article 26 of the same law.

3. Application for correction under Article 27 of the same law.

Art. 25.- The following must not be considered as new and useful inventions:

I. Articles publicly known beforehand.

2. Articles publicly used before application for

for patent is made;provided that public use by patent shall not prejudice their novelty. (This is only in case of interference).

3. Inventions from which no good result can be expected.

Art.26.- In the case of the following applications, though the inventions are new and useful,patents shall not be granted:-

I. In the case of applications considered to fall under Nos. I or 2 of Article 2 of the Patent Law.

2. In the case of applications in which it is considered that there are certain circumstances coming under Nos. 3 or 4 of Article I0 of tne same law.

Art.27.- Grant of patent for improvement shall be confined to such improvements as,adopting the extent of claim of a patented invention,and adding to it some improvement with the same purpose,attain a good result.

Art.28.- When a model or specimen of an invention is required in the proceedings of examination,the Director shall give notice thereof to the applicant and direct him to deposit within ninety (90) days from the date of such written notice.

Art.29.- When it is necessary to make experiments during the examination of an invention,the Director may appoint a time for them and direct the applicant to make such experiments.

Art.30.- The written statement of refusal to grant a patent shall be made as follows:-

I. Serial number of application.

2. Title of invention.

3. Name status occupation and residence of the ap-

plicant and his attorney.

4. Abstract of application for patent;or,in case of a re-examination,grounds of refusal.

5. Grounds of refusal. These must be given clearly and accurately with exact proof based upon the specifications;and,when,in accordance with Art.19,the extent of claim is separately stated in two or more items,reasons shall be given for each item separately. In case of re-examination,the grounds of appeal shall be refuted,and the reasons of the decision on the first examination explained.

6. Text of judgment.

7. Date.

Art.31.- Any person demanding re-examination shall make a written statement of grounds for appeal under the following heads,and file it within thirty (30) days from the date of the decision:-

I. Serial number of application.

2. Title of invention.

3. Name,status,occupation and residence of the applicant and his attorney.

4. Chief points of appeal.

5. Arguments. Only those contesting the grounds of refusal with reference to the specification.

6. Proofs of the allegations.

7. Signature and seal of the applicant or his attorney.

8. Date.

Art. 32.- When,in the written statement of appeal, the grounds of refusal are not refuted,or dissatisfaction

dissatisfaction is expressed in the refusal to grant a patent on the ground of the matter not being described in the specification, the written statement of appeal shall be treated as though it had not been filed. The Director shall explain the reason to the applicant.

Art.33.- When an adverse decision is given against the written statement of grounds for appeal, not on the grounds indicated in the written statement of the first decision, but on new grounds, this decision shall take the place of the first decision, which shall be revoked. The Director shall give notice thereof to the applicant.

Art.34.- In the case of trial being demanded according to Art. I5 of the Patent Law, if it is decided that the grounds of refusal were unfounded, the Director shall proceed to hold a new examination. When this new examination is held, the grant of patent can not be refused on the same grounds as before.

Section V.- Conflicting Applications.

Art.35.- An interference of inventions takes place only when there are the same items in the extent of claim for a patent made by two or more persons, with the following distinctions:-

I. Between two or more inventions under application.

2. Between an invention under application and inventions patented or under amendment.

3. Between two or more patented inventions under amendment.

4. Between patented inventions and those under amend ment.

But, in the case of parts not stated in the specification

specifications as prescribed in Art. 19,or in the case of parts which are to be considered as an abandonment of right according to Art.60,no interference takes place.

Art.36.- Examination of interference shall be held after an invention interfering with another has been decided to be patentable. If the examiner,before the examination of interference is concluded,finds that there is no interference,the examination shall be closed.

Art.37.- When the extent of claim of an invention which has been applied for does not interfere with the extent of claim of another invention only by reason of not being separately stated in accordance with Art. 19,the Director shall inform the applicant thereof and inquire whether he will amend the specification or not.

Art.38.- Notice of interference,together with a written statement of grounds indicating the interference, shall be sent to the party or parties concerned. When the party or parties concerned has received the foregoing notice and written statement of grounds,he shall file particulars relating to his invention within sixty (60) days and,if he fails to do so within that term,he can not claim priority on the ground that he had completed his invention before the date of his application for a patent.

Art.39.- When the party (or parties) has filed particulars,the Director shall send them to the other party (or parties),and direct him to file his reply within thirty (30) days. After the parties concerned have filed particulars,if the Director thinks it necessary to direct either or both parties to reply,he shall again take the foregoing course.

Art.40.-

Art.40.- Any person wishing to dissolve proceedings in an interference of invention shall, before the final decision of interference, demand the revocation of his patent or application interfering or the cancellation of the interfering parts of the invention. When such a claim comes before him, the Director shall dissolve the application and give notice thereof to the parties concerned.

Art.41.- Particulars shall be stated under the following heads:

I. Serial number of interference.

2. Title of interfering invention.

3. Name, status, occupation and residence of the parties concerned and their attorneys.

4. Statement of facts. These shall be accurately stated, with dates of invention, when designed and when completed, when and how the invention was taken either in drawings, models or specimens.

5. Proofs of allegations.

6. Signature and seal of the depositor or his attorney.

Art.42.- Reply relating to interference shall be made according to the following heads:

I. Serial number of interference.

2. Title of conflicting invention.

3. Name, status, occupation and residence of the party concerned and of his attorney.

4. Chief points of reply.

5. Arguments.

6. Proof of allegations, or statement against the mode of taking evidence proposed by the other party.

7. Signature and seal of the depositor or his attorney.

8. Date.

Art.43.- Written statement of decision of interference should be made in the following order:-

I. Serial number.

2. Titles of the conflicting inventions.

3. Name status occupation and residence of the parties concerned and their attorneys.

4. Abstracts from the statements of the parties.

5. Grounds of decision. These shall be based on sound evidence and stated exactly and accurately.

6. Text of judgment.

7. Date.

Art.44.- Any person demanding trial shall make request to be heard according to the following heads,and file with registration stamps affixed of such value as corresponds with the fee under Article XXX,No.5,of the Patent Law,within sixty (60) days from the date of the written decision in re-examination,or of the written statement of decision in interference:

I. Name,status,occupation and residence of the plaintiff and defendant and their attorneys.

2. Explanation of the case.

3. Chief points of the demand.

4. Arguments of fact or law.

5. Alleged proofs.

6. Signature and seal of the plaintiff or his attorney.

7. Date.

Provided that the examiner of the Patent Bureau shall not be cited as defendant.

Art.45.- On receipt of a petition the presiding

judge

judge shall send it to the defendant and direct him to file a reply within thirty (30) days. After the defendant has filed a reply if the presiding judge still thinks it necessary to direct either,or both,of the parties to produce further argument or evidence,he shall again take the above course.

Art.46.- The reply shall be made in the following order:

I. Serial number of trial.

2. Name,status,occupation and residence of plaintiff and defendant and their attorneys.

3. Explanation of the case.

4. Chief points of the reply.

5. Arguments of fact or law.

6. Alleged proof or statement against method of taking evidence proposed by the other party.

7. Signatures and seals of the plaintiff and the defendant and their attorneys.

8. Date.

Provided that the examiner of the Patent Bureau shall not be cited as defendant.

Art.47.- When any person who has demanded trial wishes to withdraw the case,he shall make application before it is concluded or decided. On receipt of such an application,the presiding judge shall give notice thereof to the defendant.

Art.48.- The party withdrawing from a case after he has filed his reply shall bear the costs of the case. But this does not apply if he draws out with the consent of the other party.

Art.49.- Trials shall be of two kinds: written and

oral.

Art.50.- When the parties demand,or the presiding judge considers it right,the oral trial shall be held publicly.

Art.5I.- In case of oral trial,the presiding judge shall appoint the day and give notice thereof to the plaintiff and to the defendant.

Art.52.- When the defendant does not file a reply within the time designated,the arguments shall be considered closed;and when either plaintiff or defendant fails to appear,as provided in Art.5I,the trial may be concluded in his absence.

Art.53.- After the trial the presiding judge shall cause to be given to both plaintiff and defendant copies of the judgment,sealed with the seal of the Patent Bureau;in case of oral trial,judgment shall be given orally.

Art.54.- The written judgment shall be made in the following order:

I. Serial number of trial.

2. Name,status,occupation and residence of plaintiff and defendant and of their attorneys.

3. Abstracts of petition and reply.

4. Grounds of judgment. Reference shall be made to the specification,and in case of petition against the decision,to the statements of the latter;and the reasons shall be stated concisely and accurately.

5. Text of judgment.

6. Official titles and names of the judges.

7. Date.

Provided always that the examiner of the Patent Bureau

shall

shall not be made defendant.

Section VII.- Grant of Patent.

Art.55.- When it is decided to grant a patent in accordance with Art.4 of the Patent Law,the Director shall, with the approval of the Minister of State for Agriculture and Commerce,send notice thereof in writing,together with a memorandum for the payment of the fee,to the applicant. On the receipt of the foregoing notice,the applicant shall file the memorandum for payment with stamps affixed of the value corresponding with the fee prescribed under Art.3I of the Patent Law,together with two copies each of specification and drawings,within sixty (60) days from the date of the written notice.

Art.56.- When the applicant has paid the fee for grant of patent,the Director shall register the invention in the Patent Register under the date on which it was paid,give notice thereof to the applicant,and send him Letters Patent within thirty (30) days. When the fee is paid during or after the last office hour or on a holiday,it shall be treated as paid on the next office day.

Art.57.- In cases under the second part of Art.8 of the Patent Law,when a patent,being an improvement on a patent already granted,has been issued to an applicant who has failed to obtain the consent of the owner of the original patent,the Director shall give notice to the latter to confer with the applicant with regard to compensation.If such conference does not result in an agreement, the Director shall send notice of the kind,amount and manner of remuneration which the Minister of State for Agriculture and Commerce shall think proper,to the applicant

applicant at the time of the notification of the grant of Letters Patent,and to the original patentee at the time the improvement is registered.

Art.58.- Letters Patent shall be made out in accordance with form No.4;and the date shall be the day of registration.

Art.59.- All patented articles shall be marked,either on the article itself or on the wrapper,with the word "Patented",date and duration of the patent,according to Art.29 of the Patent Law.

Art.60.- When a patentee sells separately those parts which belong to the division of claim under Art.I9 of the these rules,it shall be considered an abandonment of right concerning that division.

Art.6I.- When a person succeeds to a patent,or when a patentee changes his name,residence or seal,the heir or patentee,as the case may be,shall at once give notice thereof to the Patent Bureau.

Section VIII.- Sale,Transfer,Partnership, and Hypothecation.

Art.62.- Any person wishing to have the sale,transfer,partnership or hypothecation of a patent registered in accordance with Art.22 of the Patent Law shall make application under Form No.5 or 6 and file it with registration stamps affixed of such value as corresponds with the fee fixed by Art.30,No.2,of the Patent Law,together with both the original and a copy of the deed,as well as the Letters Patent. In case.of the above application,the Director of the Patent Bureau shall register the fact in the Transfer Ledger;shall certify with his seal in the

deed

deed that the registration is completed; and, after endorsing the same fact on the Letters Patent, shall return the deed, together with the Letters Patent, to the applicant.

Art.63.- When any person has had the sale, transfer, partnership or hypothecation registered, and subsequently annuls the contract, he shall file notice thereof in writing, countersigned by the parties concerned, together with the Letters Patent. On the filing of the above documents the Director shall record the fact in the Transfer Ledger, and, after endorsing the same fact on the Letters Patent, shall return the letter to the patentee.

Art.64.- When partners are about to sell, transfer, obtain new partners, or hypothecate a patent, this change can not be registered without the consent of all the parties concerned.

Section IX.- Application for Re-issue.

Art.65.- Application for re-issue under Art.25 of the Patent Law shall be made in accordance with Form. No.7, and have affixed stamps of the value prescribed by Art.30, No.3, of the Patent Law.

Art.66.- On receipt of application under the foregoing article, the Director shall issue Letters Patent, on which are endorsed the subject and the date of delivery.

Section X.- Application for Amendment and Correction.

Art.67.- Application for amendment of a patent in pursuance of Art.26 of the Patent Law, may be made in the following

following cases:

I. When it is found that there are statements irrelevant to the patent right or errors in the drawings.

2. When it is found necessary to make the extent of claim clear and concise without changing its meaning.

3. When the patentee finds that he claimed by mistake a sphere for the patent right of his invention beyond its scope.

4. When a patentee finds it necessary to divide a patent without extending the sphere of his patent right.

Art. 68.- Application for amendment shall be made in accordance with Form No.8; and have registered stamps affixed of such value as corresponds with the fee by Art. 30,No.4,of the Patent Law; and shall be filed,together with the amended specifications or drawings,the original Letters Patent and their accompanying specifications and drawings. Upon the granting of the foregoing application,the Director shall note the same in the Patent Register,and send the certificate of the amended Letters Patent to the applicant in accordance with the provisions of Art.65 and 66.

Art.69.- The certificate of amended Letters Patent shall be made out in accordance with Form No.9; and its date shall be that of the day on which it is granted.

Art.70.- Application for disclaim of specification under Art.27 of the Patent Law may be made in case it has been found necessary to omit some items of the extent of claim separately mentioned according to Art.I9, and thereby to abandon part of the sphere of the patent right.

Art.7I.-

Art.7I.- Application for disclaim shall be made in accordance with Form No. I0,and shall have registration stamps affixed of such value as corresponds with the fee prescribed by Art.30,No.4,of the Patent Law,and be filed together with the Letters Patent.

On grant of the foregoing application,the Director shall note the same in the Patent Register,and send back the Letters Patent after proper endorsement.

Forms.

To be written on Mino paper;thirteen lines per page,and twenty-five characters per line.

Form I.

Petition for grant of patent. Registration stamp & seal.

Title of invention.

The above is an art(machine,manufacture or composition), set forth in the annexed specification,and an invention which I(or we),completed (date),and I(or we) firmly believe does not conflict in any way with the provisions of the Patent Law. I(or we),therefore,pray that a patent for (number) years may be granted to me (or to us).

Domicile,present place of residence,status,occupation.

Date,inventor's name,and seal.

(When two or more persons apply for the same patent,each one shall sign and seal. And the same regulation shall apply to all these forms).

To Mr. (or rank of nobility) .....

Minister of State for Agriculture and Commerce.

Form 2.

Application for patent for the improvement of an inventin

Already

already patented by another person.

Registration stamp & seal.

Petition for grant of patent.

An improvement on ... (title of original invention).

The above is,as set forth in the annexed specification, an improvement which I (or we) have made upon (title of original invention),patented under Letters Patent No. ... belonging to (name),which I (or we) completed (date), and I (or we) firmly believe does not in any way conflict with the provisions of the Patent Law.

I (or we) hereby annex the license of the patentee (or statement of reasons why I (or we) cannot obtain the license of the patentee),praying that Letters Patent may be granted to me (or us).

Domicile and present place of residence.

Status,occupation.

Date,inventor's name and seal.

To Mr. ..... (or rank of nobility).

Minister of State for Agriculture and Commerce.

Form 3.

Application for patent from heir.

Petition for patent.

Registration stamp & seal.

Title of invention.

The above is an invention completed by the late (name of inventor),to which I have succeeded,and is an art (machine,manufacture or composition),set forth in the annexed specification; and I,firmly believing that it does not,in any way conflict with the provisions of the Patent Law pray that a patent for ..... years may be granted to me.

Domicile.

Domicile and present place of residence.

Inventor's name. - The late Mr. ..... heir.

Status and occupation.

Date,name and seal of applicant.

To Mr. (or rank of nobility).

Minister of State for Agriculture and Commerce.

Form 4.

Form of Letters Patent.

Number of patent.

Letters Patent.

Domicile and present place of residence.

Status and occupation.

Name.

Title of invention.

In pursuance of powers granted us under the Patent Law we hereby grant to the above mentioned a patent for ..... years with reference to the extent of claim in the annexed specification.

Date.

Name,seal,(with rank of nobility if any),

Minister of State for Agriculture and Commerce.

Form 5.

Request for registration of sale,transfer,partnership,or hypothecation.

Letters Patent No. ....

Title of invention.

Name of inventor.

Registration stamp & seal.

I (or we),having sold,transferred,entered into partnership or hypothecated my (or our) patent as set forth in the annexed deed,to which are attached copy of the said

deed

deed and original of the Letters Patent, request that the same may be registered.

Domicile and present place of residence.

Status, occupation.

Date - Name and seal of the patentee.

Domicile and present place of residence.

Status, occupation.

Name and seal of purchaser, transferee, partner or assignee

To Mr. ....., Director of the Patent Bureau,

Department of Agriculture and Commerce.

Form 6.

Request for registration of the sale, transfer, partnership, or hypothecation of a patent already hypothecated.

Letters Patent No. .....

Title of invention.

Name of inventor.

I, (or we), having sold, transferred, entered into partnership or hypothecated the above mentioned patent, belonging to me (or us), which was hypothecated to ..... (name, domicile and present residence) by a deed dated ....., annexing the original and a copy of the deed and the Letters Patent, request that it may be registered.

Domicile and present place of residence.

Status, occupation.

Date, name and seal of patentee.

Domicile and present place of residence.

Status and occupation.

Name and seal of purchaser, transferee, partner or assignee

To Mr. ....., Director of the Patent Bureau,

Department of Agriculture and Commerce.

Form 7.

Application for re-issue of Letters Patent.

Letters Patent No. .....

Registration stamp & seal.

Title of invention.

Name of inventor.

The Letters Patent belonging to me (or us),having become damaged (or lost),- state the cause - ,I (or we),pray that Letters Patent may be re-issued.

Domicile and present place of residence.

Status,occupation.

Date,name and seal of patentee.

To Mr. .... (or rank of nobility).

Minister of State for Agriculture and Commerce.

Form 8.

Application for amendment of Letters Patent.

Letters Patent No. .....

Registration stamp & seal.

Title of invention.

Name of inventor.

Inasmuch as the abovementioned Letters Patent belonging to me (or us) do not secure the efficacy of the patent, (state the reasons),I (or we) desire to amend them as in the annexed specification. There will be introduced there by no changes in the essentials of the invention. I (or we) annex the accompanying specification and drawings, together with the existing Letters Patent and dependent specification (and drawings); and pray that amended Letters Patent may be issued.

Domicile and present place of residence.

Status and occupation.

Date,name and seal of patentee.

To Mr.

To Mr. ..... (or rank of nobility).

Minister of State for Agriculture and Commerce.

Form 9.

No. of amended Letters Patent.

Certificate of amendment of Letters Patent.

Domicile and present place of residence.

Status and occupation.

Name.

Title of invention.

In pursuance of powers given us under the Patent Law, we hereby grant to ..... the amendment set forth in the specification and drawings attached to these Letters Patent No. .... (in case of re-amendment of amended specification; Amended Letters Patent No. .....).

Amended for (period); granted (date).

Name and seal (with rank of nobility),Minister of State for Agriculture and Commerce.

Name and seal,Director of Patent Bureau,Department of Agriculture and Commerce.

Form IO.

Application for disclaims of specification.

Letters Patent No. ....

Title of invention.

Registration. stamp & seal.

I (or we) having found that I (or we) mentioned by mistake in the specification annexed to Letters Patent Belonging to me (or us) within the extent of claim certain matter not of my (or our) invention,wish to omit the items from the word ..... on line ..... on page ....., to the word .... on line .... on page..... (state the number of words to be omited),and pray that they may be

be cancelled.

Domicile and present place of residence.

Status and occupation.

Date name and seal of patentee.

To Mr. ..... (or rank of nobility).

Minister of State for Agriculture and Commerce.

Designs.

Rules for enforcing the Law of Designs.

Published the I8th. day of the IIth. month of the 25th. year of Meiji, to come into force from the Ist. day of the I2th. month of the same year. (A.D.I892.).

Section I.- General Provisions.

Art.I.- Articles from I to I0 of the rules for enforcing the Patent Law shall apply to these rules.

Art.2.- The term for exclusive use of a design can not be altered after registration in the Design Register.

Art.3.- The Director of the Patent Bureau shall with the approval of the Minister of State for Agriculture and Commerce, publish in the "Official Gazette" and the "Patent Report" the registration, amendment, revocation, and annulment of designs and other important matters relating to designs.

Section II.- Application for Registration.

Art.4.- Application for registration of designs shall be made in Form No. I,2,3, one application for each class of goods in the classification under Art.35 of these

these rules,and shall have registration stamps affixed of such value as corresponds with the fees under Art.I8, No.I, of the Law of Designs.

Art.5.- When an applicant desires to have his design registered in partnership with another,or in another's name,he shall note the same on the application for registration.

Art.6.- On receipt of application for the registration,specification,drawing,and specimen,the Director shall put a serial number upon the application and give notice thereof to the applicant. And thereafter all documents relating to that application shall refer to that number.

Art.7.- When any person,after filing appliacation for registration of design,wishes to use his design in partnership with another,or to have it registered in the name of another,he shall make application therefor before registration in the Design Register,after which no such application shall be entertained.

Section III.- Specifications,Drawings,Models, and Specimens.

Art.8.- Specifications shall be made out in the order of the following heads and be accompanied by two copies of the drawings:

I. Title of design.- The title shall be in conformity with the nature of the design,and the goods to which it is to be applied.

2. Class and name of goods to which the design is to be applied.- The name of the goods shall be stated according to the classification under Art.35 of these rules.

3. Detailed

3. Detailed explanation of the design.- The details shall be explained with reference to the several diagrams;if a design of form,the forms of the whole and the parts shall be described. If of pattern,the figures and position of the whole and the parts shall be described;if of colour, the name and position of the colours shall be described. If the design refers to historical events,the essentials of these shall be set forth,and the significance of words to be used in the extent of claim shall be clearly defined.

4.- Extent of claim of exclusive right.- Only those particulars which are indispensable to the constitution of the design shall be set forth.

Art.9.- The extent of claim in the specification may be separately mentioned only,when,in order to indicate the sphere of exclusive right of design,certain parts constituting the design must be separately mentioned for the sake of clearness.

Art.IO.- In drawings,parts necessary to make clear a design shall be shown distinctly;only unmounted photographs may be substituted for drawings.

Art.II.- Models and specimens shall be made only in those parts which are necessary to the design;their length,breadth and height shall not exceed one shaku, (Japanese foot); and,incase of fragile or perishable articles,the depositor must take proper precautions.

Provided that,when the Director approves or so orders,this rule shall not apply.

Art.I2.- The owner of a registered design shall,by order of the Director,deposit the model or specimen for exhibition.

exhibition.

Art.I3.- When a model or specimen ceases to be required, the Director shall notify the Depositor to take it away; and, in case he does not do so within ninety (90) days from the date of notice in writing, the Director may dispose of it at his discretion. The Director is not to be held liable for damage or loss of models or specimens deposited.

Section IV.- Examination.

Art.I4.- Examination shall be held, with the exception of application for amendment under Art. I6 of the Law of Designs, according to the date of application, or, if there are two or more of the same date, according to the serial number of the application, after the expiration of thirty (30) days from the date of application.

Art.I5.- The following shall not be held to be new designs:-

I. Designs which come under Article 2, No.2, of the Law of Designs, or resemble those.

2. Designs which, though not publicly known or used, are identical with, or similar to designs for which registration has been applied for and afterwards abandoned by others.

Art.I6.- The following designs, although they may be new, cannot be registered:-

I. Designs using figures acknowledged to be identical with, or similar to the Imperial crest.

2. Designs which come under Art.2, No.I, of the Law of Designs.

3. Designs

3. Detailed explanation of the design.- The details shall be explained with reference to the several diagrams;if a design of form,the forms of the whole and the parts shall be described. If of pattern,the figures and position of the whole and the parts shall be described;if of colour, the name and position of the colours shall be described. If the design refers to historical events,the essentials of these shall be set forth,and the significance of words to be used in the extent of claim shall be clearly defined.

4.- Extent of claim of exclusive right.- Only those particulars which are indispensable to the constitution of the design shall be set forth.

Art.9.- The extent of claim in the specification may be separately mentioned only,when,in order to indicate the sphere of exclusive right of design,certain parts constituting the design must be separately mentioned for the sake of clearness.

Art.IO.- In drawings,parts necessary to make clear a design shall be shown distinctly;only unmounted photographs may be substituted for drawings.

Art.II.- Models and specimens shall be made only in those parts which are necessary to the design;their length,breadth and height shall not exceed one shaku, (Japanese foot); and,incase of fragile or perishable articles,the depositor must take proper precautions.

Provided that,when the Director approves or so orders,this rule shall not apply.

Art.I2.- The owner of a registered design shall,by order of the Director,deposit the model or specimen for exhibition.

exhibition.

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Art.I5.- The following shall not be held to be new designs:-

I. Designs which come under Article 2, No.2, of the Law of Designs, or resemble those.

2. Designs which, though not publicly known or used, are identical with, or similar to designs for which registration has been applied for and afterwards abandoned by others.

Art.I6.- The following designs, although they may be new, cannot be registered:-

I. Designs using figures acknowledged to be identical with, or similar to the Imperial crest.

2. Designs which come under Art.2, No.I, of the Law of Designs.

3. Designs which come under Art.8 of the Law of Designs and have the same or a later date of application.

4. Designs which are not applied to articles of industry.

5. Designs in which forms,patterns,or colours form no essential part.

6. Desiens which are merely representations of goods.

Art.I7.- The written statement of decision of refusal of registration shall be made in the order of the following headings:-

I. Serial number of application.

2. Name of design.

3. Class and name of the goods to which the design is to be applied.

4. Name,status,occupation and residence of the applicant and his attorney.

5.Abstract of the application for registration,or,in case of re-examination,abstract of grounds for rejection in th the first instance.

6. Grounds for rejection.- Reference shall be made to the specification,model and specimen; the exact reason shall be stated,and,when the extent of claim,in accordance with Art.9,is separately stated under two or more divisions, the reasons shall be separately stated. In case of re-examination,the reasons for appeal shall be answered,and the grounds for rejection in the first instance shall be explained and fully upheld.

7. Text of decision.

8. Date.

Art.I8.- Any person applying for re-examination shall make a written statement of the grounds of appeal

in the

in the order of the following headings, and file it within thirty (30) days from the date of the written decision

I. Serial number of application.

2. Title of design.

3. Class and name of goods to which the design is to be applied.

4. Name, status, occupation and residence of the applicant and his attorney.

5. Chief points of appeal.

6. Argument.- Only the grounds of refusal, with reference to the specification, shall be answered.

7. Proof of allegations.

8. Signature and seal of the applicant or his attorney.

9. Date.

Art.I9.- Art.28 and 32 to 34 of the rules for enforcing the Patent Law shall apply to the examination of designs.

Section V.- Trial.

Art.20.- Art.44 to 54 of the rules for enforcing the Patent Law shall apply to the trial regarding designs Provided that to the application for hearing shall be affixed registration stamps of such value as corresponds with the fee under Art.I8 of the Law of Designs.

Section VI.- Registration.

Art.2I.- When it is decided to register a design in accordance with Art.4 of the Law of Designs, the Director shall, with the approval of the Minister of State for

Agriculture

Agriculture and Commerce, send notice thereof, in writing, to the applicant, together with a note for payment of registration fees.

On receipt of notice, the applicant shall, within sixty (60) days from the date of said notice, file the note for payment of fees with registration stamps affixed of such value as corresponds with the fee determined by Art.I9 of the Law of Designs, together with two copies of both the specification and the drawing.

Art.22.- On payment of the registration fee the Director shall, on the same day, enter the design in the Design Register, and give notice thereof to the applicant and send the certificate of Registration of Design within fifteen (I5) days.

When the above mentioned payment of registration fee is made on or after the last office-hour of any day, or on a holiday, it shall be treated as if paid on the next office day.

Art.23.- The certificate of Registration of a design shall be made out in accordance with Form No.4; and its date shall be the day of registration in the Design Register.

Art.24.- The owner of a registered design shall, in accordance with Art.I7 of the Law of Design, mark on the goods to which the design is applied, or on the wrapper, the words "registered design", the date of the Certificate of Registration, and the term of its exclusive use.

Art.24.-.When the owner of a registered design sells goods to which the parts described in accordance with Art.9 are separately applied, he shall be held to have

abandoned

abandoned the rights belonging to those parts.

Art.26.- When a person succeeds to the exclusive right to a design,or when the owner of the Certificate of Registration of a design changes his name,residence, or seal,the heir or owner,as the case may be,shall at once give notice thereof to the Patent Bureau.

Section VII.- Sale,Transfer,Partnership and Hypothecation.

Art.27.- Any person wishing to have the sale,transfer,partnership or hypothecation of a design registered in accordance with Art.I3 of the Law of Designs,shall make application in accordance with Form 5or 6,and file it,with registration stamps affixed of such value as cor responds with the fee under Art.I8,No.2,of the same law, together with both the original and a copy of the deed as well as the certificate of Registration of Design. On receipt of the foregoing demand,the Director shall register the transaction in the Transfer Register,mark the deed "registered",and send the certificate,after proper endorsement,together with the deed,back to the applicant

Art.28.- When it is wished to have a sale,transfer, partnership or hypothecation cancelled,a notice shall be filed by the parties,together with the Certificate of Registration of Design. On receipt of the above-mentioned notice,the Director shall register the transaction in the Transfer Register,ans send the certificate,after proper endorsement,back to the owner of the registered design.

Art.29.- When one or more partners wish to transfer

sell or hypothecate the exclusive right of a design,or to obtain other partners,registration shall not be made without the consent of the other partners.

Section VIII.- Application for Re-issue.

Art.30.- Application for re-issue under Art.I5 of the Law of Designs shall be made in accordance with Form No. 7,and have registration stamps affixed of such value as corresponds with the fee under Art.I8,No.3,of the same law.

Art.3I.- On receipt of application under the foregoing article,the Director shall deliver the Certificate of Registration of Design with the subject and date of delivery endosed thereon.

Section IX.- Application for Amendment.

Art.32.- Application for amendment of Certificate of Registration of Design under Art.I6 of the Law of Designs may be made in the following cases:-

I. When it is found that there is a disagreement between the specification and the drawing.

2. When it is found necessary to affirm more clearly the extent of claim without altering the meaning thereof.

3. When the owner of the Certificate of Registration of Design finds that he claimed by mistake a range of exclusive right for his design beyond the scope of his device.

Art.33.- Application for amendment shall be made in accordance with Form No.8,and shall have registration stamps affixed of such value as corresponds with the fee under Art.I8,No.4,of the Law of Designs;and shall be

filed

filrd,together with a copy of the amended specification and draving,as well as with the existing Certificate of Registration of Design and its dependent specification and drawings.

On grant of the foregoing application,the Director shall note the same in the Design Register and send to the applicant the Amended Certificate of Registration of Design in accordance with the provisions of Art.22 and 23 of these rules.

Art.34.- The Amended Certificate of Registration of Design shall be made out in accordance with Form No.9; and its date shall be the day of registration.

Section X.- Classification of Goods.

Art.35.- The classification of goods.under Art.7 of the Law of Designs is fixed as follows:-

Class I. Clothing.
Clothes,over-coats,shirts,belts,neck-cloths, neck-ties,shawls,etc.

Class 2. Head-wear,ornaments,hats.
Combs,kanzashi,negake,breast-ornaments,bracelets,rings,buttons,hats,etc.

Class 3. Time-pieces and their accessories.
Watches,clocks,wall-clocks,watch-chains,etc.

Class 4. Umbrellas,canes and foot-wear.
Umbrellas,canes,geta,zori,boots,shoes,etc.

Class 5. Articles of personal use.
Smoking accessories,fans,purses,hand-bags,etc.

Class 6. Furniture.
Side-boards,chests of drawers,tables,chairs, bed-steads,

bed-steads,etc.

Class 7. Floor-coverings.

Cotton carpets,oil-paper floor covers,ornamental floor-mats,and all other kinds of floor coverings.

Class 8. Stoves and appurtenances.

Braziers,stoves,smoking-boxes,charcoal baskets, coal-boxes,fire-sticks,etc.

Class 9. Lighting appliances.

Andon,candle-sticks,toro,lamps,gas-light-globes electric-light globes,etc.

Class I0. Fittings for buildings.

Sashes,doors,sliding-doors,ramma,balustrades, etc.,etc.

Class II. Cloths and woven goods not included in other classes.

Silk,cotton-hemp,woollen-cloth,wraps,hand-kerchiefs,window-curtains,table-cloths,etc.

Class I2. Net-work and knitted work not included in other classes.

Laces,braids,fringes,etc.

Class I3. Lacquer-work not included in other classes, (including varnish,paints,etc.).

Eating and drinking-vessels,hand-boxes,incense boxes,etc.

Class I4. Porcelain and earthen-ware articles not included in other classes,(including bricks,tiles, etc.).

Eating and drinking-vessels,vases,censers,etc.

Class I5.

Class I5. Glass-ware not included in other classes.
Eating and drinking-vessels,cut or painted glass-ware,etc.

Class I6. Shippo-ware not included in other classes.
Vases,incense-burners,hand-boxes,incense-boxes etc.,etc.

Class I7. Metal goods not included in other classes.
Articles made of the precious metals,other metals and alloys.

Class I8. Stone-ware not included in other classes.
Articles made of precious or other stones.

Class I9. Wood,bamboo,ivory and horn articles not included in other classes.
Trays,boxes,flower-stands,baskets,bamboo curtains,stands,chop-sticks,stationery goods,etc.

Class 20. Paper and goods manufactured from paper not included in other classes.
Stamped paper,paper in imitation of leather, paper for sliding doors,wall-paper,wrapping-paper,shikishi,tanzaku,writing-paper,letter-boxes,paste-board,etc.

Class 2I. Leather and leather goods not included in other classes.
Stamped leather,letter-boxes,harness,etc.

Class 22. Goods not included in other classes.

Forms.

To be written on Minor paper,thirteen lines on a page, and twenty-five letters in a line.

Form I.

Application for registration of design.

Registration

Title of design.

This is a design, particulars of which are set forth in the accompanying specification and drawing (or photograph), and of my (or our) invention. And, as I, (or we) firmly believe that it does not, in any way, conflict with the provisions of the Law of Designs, I, or we, pray that it may be registered for my (or our) exclusive use for ..... years.

Registration stamp & seal.

Domicile and present residence.

Status, occupation.

Date, designer's name and seal. (In case of more than one person, each one must sign and seal, and this rule applies to all the following forms).

To Mr. ..... (or rank of nobility).

Minister of State for Agriculture and Commerce.

Form 2.

Application for registration of design by heir.

Title of design.

This is a design which the late ..... invented, to which I succeed, and which is as set forth. I firmly believe that it does not in any way conflict with the provisions of the Law of Designs, and, therefore, pray thet it may be registered for my exclusive use for ..... years.

Registration stamp & seal.

Domicile and present residence.

Heir of the late designer.

Status, occupation.

Date, applicant's name and seal.

To Mr. ..... (or rank of nobility),

Minister.

Minister of State for Agriculture and Commerce.

Form 3.

Application for registration of design invented by another.

Description of design.

Registration stamp & seal.

This is a design set forth in the accompanying specification and drawings which design I have entrusted to ..... (name, domicile and present place of residence), to be carried out; and I firmly believe that it does not, in any way conflict with the provisions of the Law of Designs, and therefore pray that it may be registered for my exclusive use for ..... years.

Domicile and present place of residence.

Status, occupation.

Date.- Applicant's name and seal.

or,

Office.

Name and seal of partnership.

Name and seal of president or manager.

(All documents filed by a firm or partnership shall be be written as above).

To Mr. ..... (or rank of nobility).

Minister of State for Agriculture and Commerce.

Form 4.

No.-.

Certificate of registration of design.

Title of design.

Domicile and present residence.

Status.

Status,occupation.

Name.

In accordance with the Law of Designs,we hereby register the above-mentioned design,and we grant to the above-named for the extent of claim set forth in the accompanying specification the right of its exclusive use for ..... years.

Date.- Name and seal of Mr. (or rank of nobility), Minister of State for Agriculture and Commerce.

Name and seal of Director of Patent Bureau, Department of Agriculture and Commerce.

Form 5.

Application for registration of sale, transfer,partnership or hypothecation of a registered design.

Registration stamp & seal.

Certificate of registration No.-

Title of registered design.

Name of designer.

I,having sold,transferred,entered into partnership in, or hypothecated a certain registered design belonging to me,as in the accompanying deed,annexing the original and a copy of the deed as well as the certificate of registration of the design,request that the deed may be registered.

Domicile and present residence.

Status and occupation.

Date;name and seal of owner.

Domicile and present residence.

Status

Status,occupation.

Name and seal of purchaser.

To. Mr. (or rank of nobility) .....

Minister of State for Agriculture and Commerce.

Form 6.

Application for registration of sale, transfer,partnership or hypothecation of a registered design (already hypothecated).

Registration. stamp & seal.

Certificate of Registration No.-

Title of registered design.

Name of designer.

I (or we) having sold,transferred,entered into partnership in,or hypothecated as in the accompanying deed,the above mentioned registered design,belonging to me,and hypothecated to (name,domicile,and present residence) by a deed dated ..... annexing both the original and a copy of the deed as well as the Certificate of Registration of the Design,request that the deed may be registered.

Domicile and present residence.

Status,occupation.

Date;- Name and seal of owner.

Domicile and present residence.

Status,occupation.

Name and seal of purchaser.

To Mr. ..... Director of the Patent Bureau,

Department of Agriculture and Commerce.

Form 7.

Form 7.

Application for re-issue of Certificate of Registration of Design.

Registration stamp & seal.

Certificate of Registration No.-

Description of registered design.

Name of designer.

Certificate of Registration of Design No.-, belonging to me, being damaged (or lost) - state the cause - I pray that a new one may be issued.

Domicile and present residence.

Status, occupation.

Date;- Name and seal of owner.

To Mr. (or rank of nobility) .....

Minister of State for Agriculture and Commerce.

Form 8.

Application for amendment of Certificate of Registration of Design.

Registration stamp & seal.

Certificate of Registration No.-

Title of registered design.

Name of designer.

As the specification, drawing or photograph, appertaining to the above-mentioned certificate belonging to me, is insufficient to secure the efficacy of registration (state the reason), I wish to amend it as in the accompanying document, into which has not been introduced any change in the essential parts of the design. I, annexing the accompanying specification, drawing or photograph, together

with

with the existing certificate of registration of the design and specification,drawing or photograph appertaining thereto,request that an Amended Certificate of Registration of Design be granted.

Domicile and present residence.

Status,occupation.

Date;- Name and seal of owner.

To Mr. (or rank of nobility) .....

Minister of State for Agriculture and Commerce.

Form 9.

Amended Certificate of Registration No.-

Amended Certificate of Registration of Design.

Title of Design.

Domicile and present residence.

Status,occupation.

Name.

In accordance with the provisions of the Law of Designs we hereby grant to ..... amendment as set forth in the specification,drawing,or photograph attached to Certificate of Registration No.- (or Amended Certificate of Registration No.-),by which was granted to ..... the exclusive use of the design for .... years.

Date.- Name and seal of Mr. (or rank of nobility) .....

Minister of State for Agriculture and Commerce.

Name and seal of Director of Patent Bureau,

Department of Agriculture and Commerce.

Correct Translation
E. W. Clemmer
U. S. Interpreter
of Legation
Peking

Trade Marks.

Rules for enforcing the Law of Trade Marks.

Published the I8th. day of the IIth. month of the 25th. year of Meiji,(A.D.I892),and to be in force from the Ist. day of the I2th. month of the same year.

Section I.- General Provisions.

Art.I.- Articles I to I0 inclusive of the Rules for enforcing the Patent Law shall apply to these rules.

Art.2.- The Director of the Patent Bureau shall, with the approval of the Minister of State for Agriculture and Commerce,publish in the official "Gazette",and the "Trade Marks Report" the registration,amendment,revocation annulment or inefficacy of trade-marks,and other important matters relating to the same.

Section II.- Application for Registration.

Art.3.- Application for registration of a trade-mark shall be made,in accordance with Form No.I,for one class of goods only,according to the classification under Art.33,with registration stamps affixed of such value as corresponds with the fees prescribed under Art.I7,No.I, of the Law of Trade Marks.

Art.4.- When two or more persons wish to be registered as partners in a trade-mark,a written statement of having business in common shall be annexed to the application.

Art.5.- On receipt of the application for registration accompanied by specification and specimen,the Director shall put a serial number on the application and

give

give notice thereof to the applicant.

After receipt of the foregoing notice,all documents filed with reference to the application shall be marked with this number.

Art.6.- When,after application has been filed for the registration of a trade-mark,any person wishes to have his trade-mark registered on joint account with another,he shall make application therefor,accompanied by a written statement setting forth the facts,before registration in the Trade Mark Register. After registration, no such application shall be granted.

Section III.- Specification,Specimen and Plate.

Art.7.- Specification shall be made out in the order of the following items:-

(Provided that each specification is accompanied by two specimens of the trade-mark,one of which shall be affixed to the specification,and be stamped with the applicant's seal at top and bottom,so that the seal shall be partly on the specimen,and partly on the paper to which the specimen is attached).

I. The explanation of the entire construction of the trade-mark.- The form,position,style,direction,ornamentation,remarks,etc. of the diagrams and letters shall be explained with reference to the specimen of the trade-mark.

2. Essential parts of a trade-mark.- In referring to the specimen of a trade-mark,mention shall be made only of parts which have special and distinctive forms.

3. Application of a trade-mark.- The way of actually using the trade-mark shall be explained.

Art. 8.-

Art.8.- The specimen of a trade-mark must be one actually to be used. When,however,for some reason it can not be so,a fac-simile or reduced facsimile may be used.

Art.9.- The plate of a trade-mark must not exceed I.8 sun (Japanese inch) in surface,by .76 sun in thickness. When,however,it is impossible to adhere to the above dimensions,the plate must not exceed 7 by 5 sun.

Art.I0.- The plate of a trade-mark shall have the entire design cut on the surface of one block,and not be divided into parts for the purpose of coloring,etc. The depositor shall take adequate precautions against the plate being defaced by lapse of time.

Art.II.- When a plate ceases to be needed,the Director shall notify the depositor to take it away,and,if he does not do so within ninety (90) days from the date of written notice,the Director may dispose of it at his discretion. The Director shall not be responsible for the damage or loss of plates deposited.

Section IV.- Examination.

Art.I2.- With the exception of application for amendment of trade-mark under Art.I6 of the Law of Trade Marks,examination shall be held after thirty (30) days from the date of application,according to the order of the dates of application,or,in the case of same date, according to serial number of the application.

Art.I3.- The following figures,characters,or combinations thereof are not considered to have sufficiently distinctive forms to be used as the essential parts of trade-marks:-

trade-marks;-

I. Trade-marks consisting of signs,or figures merely indicating the name form or material of goods.

2. Trade-marks consisting of signs or figures merely indicating the quality,nature or utility of goods.

3. Trade-marks in which only a geographical name,family name,individual name,commercial name,or firm name in common use is written in the ordinary style.

4. Trade-marks consisting of patterns of goods.

5. Trade-marks consisting of symbolic signs,such as are already in common use among fellow-traders,or in habitual use in commerce.

Art.I4.- The following,although containing essential particulars special and distinctive,are not to be registered as trade-marks:-

I. Trade-marks which are identical with,or similar to the Imperial Crest.

2. Trade-marks which come under Nos.I,2 or 3,of Art.2, of the Law of Trade Marks.,and which are of the same or later date.

Art.I5.- When two or more trade-marks to be used for the same goods fall under one of the following descriptions,they are to be considered as similar:-

I. When there is no obvious difference.

2. When the names which naturally arise from the trade-marks are identical or liable to confusion.

Art.I6.- Written decision of refusal of registration shall be made under the following heads:-

I. Serial number of application.

2. Class and name of goods for which trade-mark is required.

3. Name,status,occupation and residence of the applicant and his attorney.

4. General description of trade-mark; or,in case of re-examination,abstract of grounds of refusal.

5. Grounds of refusal shall refer to the specification and specimen,be stated exactly and concisely,and,in case of re-examination,rebut the grounds of appeal,and explain and demonstrate the grounds of decision of first examination.

6. Text of decision.

7. Date.

Art.I7.- One who applies for re-examination shall make a written statement of the grounds of dissatisfaction in the following order,and shall file it within thirty (30) days from the date of the written statement of decision:-

I. Serial number of application.

2. Class and name of goods for which the trade-mark is to be used.

3. Name,status,occupation and residence of the applicant and his attorney.

4. Chief points of appeal.

5. Arguments referring to the specification and specimen,but only such as are in support of the appeal.

6. Proofs of allegations.

7. Signature and seal of the applicant or his attorney.

8. Date.

Art.I8.- Art.32 to 34 inclusive of the Rules for enforcing the Patent Law,shall apply to these rules.

Section V.- Trial.

Art.I9.- Art.44 to 54 inclusive of the Rules for enforcing the Patent Law shall apply to these rules. Provided,that to the petition for hearing shall be affixed registration stamps of such value as corresponds with the fee under Art.I7,No.5 of the Law of Trade Marks.

Section VI.- Registration.

Art.20.- When it is decided that registration shall be granted in accordance with Art.4 of the Law of Trade Marks,the Director shall,with the approval of the Minister of State for Agriculture and Commerce,give written notice thereof to the applicant,together with a memorandum for the payment of the registration fee.
On receipt of the foregoing notice,the applicant shall file the memorandum for the payment of the registration fee with registration stamps affixed of such value as corresponds with the registration fee under Art.I7 of the Law of Trade Marks,together with two copies of the specification,and the plate of the trade-mark,within sixty days (60) of the date of the written notice.

Art.2I.- On payment of the registration fee,the Director shall,on the same day register the application in the Trade Mark Register,and give notice thereof to the applicant,and he shall,within fifteen (I5) days send him the Certificate of Registration of Trade Mark.
When the above mentioned payment of registration fee has been made during,or after the last office hour,or on a holiday,it shall be considered as paid on the next office day.

Art.22.-

Art.22.- Certificate of Registration of Trade Mark is to be made according to Form No.2;and its date shall be the day of entry in the Trade Mark Register.

Art.23.- When any person succeeds to the exclusive right to a trade-mark,or when the owner of a trade-mark abandons its use,or changes his name,residence or seal, the heir or owner,as the case may be,shall immediately give notice thereof to the Patent Bureau.

Section VII.- Sale,Transfer,Partnership.

Art.24.- Any person wishing to have the sale,transfer or partnership of a tade-mark registered in accordance with Art.I2 of the Law of Trade Marks,shall make the application in accordance with Form No.3,and file it with registration stamps affixed of such value as corresponds with the fee under Art.I7,No.2,of that Law,together with both the original and a copy of the deed as well as the Certificate of Registration of Trade Mark.
In case of the above mentioned demand,the Director shall enter it in the Transfer Register,stamp the deed as registered,and,after endorsing the Certificate of Registration of Trade Mark,send it,together with the deed, back to the applicant.

Art.25.- When it is desired to dissolve a registered partnership,the partners shall file a written statement thereof,signed by all the parties,together with the Certificate of Registration of Trade Mark.
In case of filing as above,the Director shall enter the transaction in the Transfer Register,and shall,after endorsing the Certificate of Registration of Trade Mark, send it back to the owner.

Art.26.-

Art.26.- When one or more persons of the partnership wish to sell or transfer a share (or shares) in the exclusive right to a trade-mark, they may do so in compliance with the requirements of the first paragraph of Art.25.

Section VIII.- Application for Registration of Renewal and for Re-issue.

Art.27.- Application for registration of renewal in pursuance of Art.I4 of the Law of Trade Marks shall be made in accordance with Form No.4, and have registration stamps affixed of such value as corresponds with Art.I7 No.I of that Law, and shall file it before expiration of the original registration.

Art.28.- Application for re-issue in pursuance of Art.I5 of the Law of Trade Marks shall be made in accordance with Form No.5, and have registration stamps affixed of such value as corresponds with Art.I7, No.3 of that Law.

Art.29.- In case of the above applications, the Director shall deliver to the applicant a certificate of registration of trade-mark, on which are endorsed the facts and date of delivery.

Section IX.- Application for Amendment.

Art.30.- Application for amendment of the Certificate of Registration of Trade Mark in accordance with Art.I6 of the Law of Trade Marks may be made in the following cases:-

I. When it is found that there is a disagreement between the

the specification and the specimen of the trade-mark.

2. When it is found that there is necessity for extending or contracting the scope of the essential particulars of the trade-mark, or exchanging them with other parts, without altering the construction of the specimen trade-mark set forth in the specification.

3. When it is found that the designation of the goods is not in conformity with the classification of goods under Art.33.

Art.3I.- Application for amendment shall be made in accordance with Form No.6, and have registration stamps affixed of such value as corresponds with Art.I7, No.4, of the Law of Trade Marks, and be filed together with a copy of the amended specification and two amended specimens, as well as with the original Certificate of Registration of Trade Mark and dependent specification.

On the above application being granted, the Director shall enter the same in the Trade Mark Register, and issue amended Certificate of Registration of Trade Mark in accordance with the provisions of Art.2I and 22.

Art.32.- The Amended Certificate of Registration of Trade Mark shall be made in accordance with Form No.7, and its date shall be the date of registration.

Section X.- Classification of Goods.

Art.33.- The classification of goods of Art.7 of the Law of Trade Marks is fixed as follows:-

Class I.- Chemicals and medicines.

Acids, salts, alkalis, bleaching powder, gums, glue, phosphorus, soap, spirits, glycerine, quinine, morphine,

morphine, tinctures, syrups, extracts, pills, plasters, medical oils, musk, cloves, common salt, lime moxa, etc.

Class 2.- Dye stuffs and pigments.

Indigo balls, indigo, purple roots, beni, (cantharine), vermillion, red lead, mineral green, ultramarine, prussian blue, white lead, kofun, gamboge, etc., etc., etc.

Class 3.- Painting materials.

Lacquer, varnishes, paints, shibu, shoe-blacking, &c

Class 4.- Perfumes and incense.

Perfumed oils, pomades, scent bags, perfumed waters, incense, etc.

Class 5.- Metals.

Pig iron, wrought iron, steel, bar copper, sheet tin, sheet iron, iron wire, copper, copper plate, copper wire, lead, sheet lead, zinc, sheet zinc, tin, alloys, etc.

Class 6.- Metallic manufactures.

Castings, forgings, engravings, net-work, etc.

Class 7.- Edged and sharp-pointed tools.

Sickles, saws, carpenter's chisels, drills, chipping chisels, needles, nails, scissors, knives, razors, kitchen knives, fire hooks, etc.

Class 8.- Precious metals and goods manufactured therefrom, including aluminium, gold, silver and nickel ware.

Gold, silver, shibuichi, bronze, and other alloys of precious metals, and plated and engraved goods made therefrom.

Class 9.- Precious stones, carved and engraved.

Coral, pearl, agate, quartz, topaz, emerald and their imitations.

Class IO. Minerals, (excepting coal, which belongs to Class 5I).

Class II. Stones, natural, manufactured, carved and engraved.

Slate, marble, whetstone, stoneware, imitations thereof, etc.

Class I2. Mortars.

Mortar, cement, gypsum, etc.

Class I3. Porcelain and faience.

Porcelain, faience, earthenware, crucibles, tiles, bricks, etc.

Class I4. Cloisonne ware.

Class I5. Glass and glass ware.

Glass bottles and tubes, colored glass, etc.

Class I6. Machinery.

Spinning machinery, sewing machines, sugar manufacturing machinery, printing machines, all other manufacturing machines, steam engines, boilers, etc., etc., etc.

Class I7. Agricultural and industrial instruments.

Ploughs, spades, hoes, grain cleaning fans, harrows pincers, hammers, carpenter's rope, ink, etc.

Class I8. Scientific instruments.

Instruments used in physics, chemistry, medecine, surveying, etc.

Class I9. Weights and measures.

Class 20, Vehicles for transportation.

Wagons, coaches, jinrikishas, bicycles, etc.

Class 2I. Musical instruments.

Koto, samisen, fiddles, flutes, etc.

Class 22. Watches and clocks and their appurtenances.

Class 23. Guns, shot, gun-powder, fire-works, etc.

Class 24. Paper for silk-worm eggs, cocoons, etc.

Class 25. Floss silk and raw cotton.

Class 26. Raw silk, silk thread, wild silk thread (including koto strings and gold and silver thread).

Class 27. Cotton yarn.

Class 28. Woollen yarn.

Class 29. Hemp yarn.

Class 30. Silk fabrics.

Class 3I. Cotton fabrics.

Class 32. Woollen fabrics.

Class 33. Hemp fabrics.

Class 34. All other fabrics, and cloths of mixed materials

Class 36. Clothing.

Clothes, hats, gloves, stockings, rain-coats, hakama, knitted goods (manufactured), etc.

Class 37. Fermented liqors and beverages.

Sake, vinegar, shoyu, orange syrups, soda-water, ice, etc.

Class 38. Sugars.

Sugar, syrups, honey, etc.

Class 39. Cakes, onfectionery and bread.

Dried cakes, steamed akes, confectionery, European cakes, ame, sugared articles, etc.

Class 40. Tea and coffee.

Class 4I. Tobacco (all forms).

Class 42.-

Class 42. Grains, vegetables and fruits.

Grains, vegetables, mushrooms, fruit, seeds, roots, yeast, malt, etc.

Class 43. Flour, starch, and articles manufactured therefrom.

Flour, starch, vermicelli, yuba, konnyaku, etc.

Class 44. Miso, namemono, and salt vegetables.

Class 45. Preserved provisions.

Katsuobushi, dried cuttle-fish, dried awati, nori, kombu, tsukudani, tinned articles, uni, salted articles, etc.

Class 46. Dairy products.

Condensed milk, butter cheese, desiccated milk, etc., etc., etc.

Class 47. Smoking utensils and purses.

Pipes, tobacco pouches, pipe-cases, and pocket books.

Class 48. Paper and articles made of paper.

Paper, tinted paper, tonjaku, leather paper, wall paper, oil paper, shibu paper, envelopes, cases, ikkambari, motoyui, etc.

Class 49. Pens and ink.

Fude, India ink, vermilion ink, printing ink, slate pencils, lead pencils, pens, etc.

Class 50. Leather and leather goods.

Harness, bags, letter-cases, belts, straps, shoes, shoe-strings, etc.

Class 5I. Combustibles.

Charcoal, matches, lucifers, lamp-wicks, etc.

Class 52.-

Class 52. Oil and wax.

Oil, wax, candles, fats, etc.

Class 53. Manures.

Fish manure, bean ake and other oil refuse, bone-dust, etc.

Class 54. Wood and bamboo.

Class 55. Wooden, bamboo and rattan goods and lacquered and varnished articles thereof.

Cabinets, turned goods, round articles, cooper8s ware, plaited ware, etc.

Class 56. Horn, tortoise-shell and ivory goods.

Class 57. Straw and grass goods.

Matting, mats, hats, ropes, straw goods, etc.

Class 58. Umbrellas, canes and foot-wear.

Umbrellas, canes, geta, zori, hanao, etc.

Class 59. Fans of all kinds.

Class 60. Lanterns and lamps.

Class 6I. Tooth-powder and washing powder.

Class 62. Brushes and false hair.

Class 63. Toys.

Flower hair-pins, balls, go, chess, dolls, tops, toy bows, oshie, artificial flowers, playing cards, etc.

Class 64. Colored wood-cuts and photographs.

Class 65. Magazines, newspapers, books, etc.

Class 66. Articles not included in other classes.

Forms.-

Forms.

To be written on Mino paper, thirteen (I3) lines per page and twenty-five (25) characters per line.

Form I.

Application for registration of trade-mark.

Registration stamp & seal.

Inasmuh as I firmly believe that the trade-mark set forth in the accompanying specification does not conflict in any way with the provisions of the Law of Trade Marks, I pray that it may be registered.

Domicile and present place of residence.

Name of business.- The business in which the trade-mark is to be used must be named, and this applies to the following forms.

Status.

Date.- Applicant's name and seal.

Place of business.

Name of business.

Name and seal of applicant firm or company.

Name and seal of president or manager.

To Mr. (or rank of nobility) .....:

Minister of State for Agriculture and Commerce.

Form 2.

Certificate of Registration of Trade Mark.

Domicile and present residence.

Name of business.

Status, name.

In compliance

In compliance with the Law of Trade Marks, we hereby register the trade-mark set forth in the specification attached to this certificate, and grant to the above-mentioned person the right of its exclusive use for (20) years.

Date.

Name and seal, with rank of nobility, if any,

Minister of State for Agriculture and Commerce.

Name and seal of the Director of the Patent Bureau, Department of Agriculture and Commerce.

Form 3.

Application for Registration of Sale, Transfer, or Partnership in a Trade Mark.

Registration stamp & seal.

No. of Certificate of Registration of Trade Mark.

I having sold, transferred, or entered into partnership in the above named trade-mark, apply to have the accompanying deed registered. I annex hereto the Certificate of Registration of Trade-Mark, and a copy of the above-mentioned deed.

Domicile and present residence.

Status, occupation.

Date, name and seal of owner.

Domicile, and present residence.

Status, occupation.

Name aned seal of purchaser, etc.

To Mr. , Director of the Patent Bureau,

Department of Agriulture and Commerce.

Form 4.

Application for renewal of Registration of Trade Mark.

Registration stamp & seal.

No. of Certificate of Registration of Trade Mark.

The term of the above-mentioned trade-mark belonging to me expiring on ..... ,I,wishing to use the trade-mark for a further term,apply for renewal of registration.

Domicile and present residence.

Status,occupation.

Date:- name and seal of owner.

To Mr. ..... Or rank of nobility,

Minister of State for Agriculture and Commerce.

Form 5.

Application for Re-issue of Certificate of Trade Mark.

No. of Certificate of Registration of Trade MarK.

Registration stamp & seal.

The Certificate of Registration of Trade Mark belonging to me having been damaged (or lost),- state the cause - I pray that the Certificate of Registration may be re-issued.

Domicile and present place of residence.

Status,occupation.

Date.- Name and seal of owner.

To Mr. ..... or rank of nobility,

Minister of State for Agriculture and Commerce.

Form 6.

Form 6.

Application for Amendment of Certificate of Registration of Trade Mark.

Registration stamp & seal.

No. of Certificate of Registration of Trade Mark.

As the efficacy of registration can not be secured,-state the cause- in the specification and specimen attached to the Certificate of Registration of Trade Mark belonging to me, I wish to amend it as in the accompanying documents. There will not be introduced thereby any changes in the essentials. The amended specification and specimen are attached hereto, together with existing Certificate of Registration and original specification and drawing. I pray that the Amended Certificate of Registration may be granted.

Domicile and present residence.

Status, occupation.

Date.- Name and seal of owner.

To Mr. (or rank of nobility) .....,

Minister of State for Agriculture and Commerce.

Form 7.

Amended Certificate of Registration of Trade Mark.No.-

Domicile and present residence.

Name of business.

Status, name.

In compliance with the provisions of the Law of Trade Marks, we hereby grant to ..... Amended Certificate as set forth in the specification and specimen of Certificate of Registration No.- ,granted .....

Date.

Date.

Name and seal (with rank of nobility, if any),

Minister of State for Agriulture and Commerce.

Name and seal of the Director of the Patent Bureau,

Department of Agriculture and Commerce.

Cabinet Ordinance No. 32.

Published the 25th.day of the I2th.month of the 2Ist. year of Meiji,(A.D.I888),and to be in force from the Ist. day of the 2nd.month of the 22nd.year of Meiji (A.D. I889).

The fees for Letters Patent,Certificates of Registration of Designs and Trade Marks,as set forth in Article 30 of the Patent Law,Article I8 of the Law of Designs,and Article I7 of the Law of Trade Marks,must be paid in registration stamps.

(Signed):
Count Matsukata,
Minister President of State.

Correct Translation
E. W. Clement
U. S. Interpreter
Acting of Legation.

Notification No.I.

Department of Agriculture and Commerce.

Published the 4th.day of the Ist.month of the 22nd.year of Meiji,(A.D.I889),to be in force from the Ist.day of the 2nd.month of the same year.

In pursuance of the Patent Law,the Law of Trade Marks and the Law of Designs,fees for specifications of inventions,Patent Report,Trade Mark Report,for copies of documents,preparations of drawings,and forms of application,are fixed as follows:-

Art.I.- As to printed matter,specification per copy is 2.05 sen,the Patent Report per number is I5 sen,and the Trade Mark Report per number 2.05 sen.

Art.2.- Fee for duplicates of documents per sheet, I3 lines per page,and 25 characters per line,I0 sen; but although the number of characters may be less than a page,it shall be reckoned as one sheet.

Art.3.- Fees for the preparation of drawings are to be fixed by the Director at from 25 sen to 5 yen per sheet,according to the labor required in their preparation.

Art.4.- Printed documents can be purchased from ....

Art.5.- Persons requiring documents or drawings under Article 33 of the Patent Law may make application,explaining what is necessary for the prparation of drawings models and specimens,or sketches of their inventions,together with the specifications; but,when those are already deposited for the purpose of examination,they will not need to be appended.

Art.6.-

Art.6.- Persons requiring the preparation of drawings under Art.20 of the Law of Designs shall make application stating the serial number and date of the Certificate of Registration of Design.

Art.7.- On notice from the Director of the Patent Bureau, fees shall be paid with registration stamps affixed to the notice and cancelled with the party's seal.

Notification No.I7.

Department of Agriculture and Commerce.

Issued Ist.day, I2th.month, 25th.year of Meiji, (A.D.I892).

Specifications and drawings to be annexed to application foe Letters Patent, Registration of Design, and Registration of Trade Mark, filed after the Ist.day of the I2th.month, of the 25th.year of Meiji, shall be made in accordance with the following rules:-

I. The specification shall be written in the kai or gyo style, I3 lines of 25 characters in a page, on Mino paper folded in two, with I sun for the margin, at the top, 0.8 sun for bottom margin, 0.2 sun for outer margin, and I. sun for binding.

2. In the specification, the several items as set forth in Art.I8 of the rules for carrying out the Patent Law, Art. 8 of the rules for carrying out the Law of Designs, and Art.7 of the rules for carrying out the Law of Trade Marks, shall be placed in the order laid down in those rules.

3. When in the specification there is something explained with reference to drawing, it shall not have the portion printed out with signs only, but above the signs, some

suitable

suitable designation of that portion shall be written.

4. In the specification to be annexed to the application for Registration of Trade Mark, no explanation in respect to the coloring of the trade-mark is required.

5. Drawings shall be made on sized white Mino paper (or usuyo) with a surface of 7.2 sun by 4.6 sun, keeping margins of I sun at the top, 0.8 sun at the bottom, 0.3 sun on the left and I.5 sun on the right, and shall be clearly drawn with deep black India ink, so that it may be suitable for lithographic printing.

Provided that, in case the drawings for a design are very large, and, if reduced, can not show the design correctly and plainly, this provision need not be adhered to.

6. In making drawings there is no objection to making sides as top and bottom; but the same paper shall not be used both ways.

7. Drawings shall be made as far as possible on one sheet of paper, and shall not exceed this except in case of necessity.

8. The title of an invention or design shall not be mentioned in the drawings.

9. Drawings, except those relating to coloring, need not be colored.

I0. Separate figures shall have a number for each, as Fig. No.I, Fig.No.2, etc.; but figures severally showing parts of one design shall be marked with one sign, provided that number and sign are clearly described with deep black India ink in such a way as not to spoil the drawing.

II. When signs cannot be placed close to a figure, they shall be put a little on one side and be connected with

the

the parts they are intended to indicate by the thinnest possible straight line;signs should never be put upon shades,but when they are put upon them by necessity,that part where the sign is shall have an unshaded space around it.

I2. To show a cross-section,parallel lines about.0.3 sun apart from each other shall be diagonally drawn;and,for different parts in a cross-section,diagonal lines of different direction shall be used.

I3. When,in order to indicate clearly raised or depressed parts,it is necessary that they be shaded,the shading shall be put in clearly and simply,and in depressed parts shades shall be used as little as possible.

I4. For the preparation of drawings of a design relating to letters and signs to be applied to printing,the following items shall be followed:

a. When it is a design composed of letters limited in number,such as katakana,hiragana,figures or Roman letters,the whole shall be shown in every case.

b. When it is a design composed of letters unlimited in number,such as Chinese characters,it need not show the whole of each;but parts of the design,such as hen,tsukuri,kanmuri,kanaye,etc.,shall be given. When it is a design relating to the whole character which can not be drawn in part only,(such as hen, tsukuri,etc.,),samples by which the whole can be appreciated shall be given.

c.When it is a design not containing the whole of a letter,a character,or hen,tsukuri,or the like,but only relating to the form belonging to the points

of

of a letter,character,etc.,the form of each point, as well as the whole of the character constituting the design,if few in number shall be given.

Notification No.10.

Department of Agriculture and Commerce.

Issued the 11th. day of the 9th. month of the 26th.year of Meiji,(A.D.1893).

I. When changes are made in the circumstances under which a trade-mark is held,because it either has been inherited,sold,transferred,or held in partnership,five specimens of the trade-mark the conditions of which are changed,shall be deposited at the Patent Bureau.

A similar course shall be taken in case of change of name,residence,or of the partners in a trade-mark.

2. When a company or firm having the exclusive right to a trade -mark changes its address or name; or,when the manager of a company or the head of a firm,or his seal is changed,notice shall be given in compliance with Art. 24 of the Rules for carrying out the Law of Trade Marks, and a specimen of the new seal shall accompany the application.

Departmental Ordinance No.9.

Art.1.- If any person residing abroad desires to apply for a patent of an invention,or registration of a trade-mark or design,or to prefer a claim in connection with the same,he must appoint a deputy,duly furnished with power of attorney,and residing in Japan.

Art.2.-

Art.2.- A foreigner forwarding an application or claim in connection with patents, trade-marks, or designs, must append a certificate of nationality.

Art.3.- Applications, specifications, claims, or any other documents or communications, addressed to the Patent Office, must be written in Japanese.

Art.4.- Whenever a power of attorney, certificate of nationality, or any other document, is written in a foreign language, a translation must be appended.

November 20, 1896.

Correct Translation
E. W. Clement
acting U. S. Interpreter
of Legation.

DIPLOMATIC
MAY 7 1897
BUREAU.

2D ASSISTANT SECRETARY.
Ack & file.
MAY 6 1897

No. 477.

INDEX BUREAU
REC'D
MAY 6 1897
DEPARTMENT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 12, 1897.

Copy sent to the President May 6. 97.

Acked May 8

Mr. Dun

to the Secretary of State.

Subject:

Japanese emigrants refused entry at Honolulu.

No.477.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 12, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that the refusal of the Hawaiian authorities to permit a number of Japanese emigrants to land at Honolulu, giving as their reason non-compliance with the Hawaiian immigration regulations, and the decision of the Hawaiian Supreme Court, to the effect that the ruling of the Deputy Collector of the Port could not be reviewed, have been most unfavorably received in this country: and the alleged illegal treatment of Japanese subjects at the hands of the Hawaiian Government is now the subject of lengthy discussion by the vernacular press.

The Japanese Government seems disinclined to adopt the harsh and arbitrary methods of procedure urged upon it by the more enthusiastic journalists, preferring to solve the problems raised by diplomatic negotiation unsupported by any show of force; anxious to maintain the status quo in Hawaii, and not to disturb in any way the independence of that country nor encourage its seeking annexation to the United States. I am even convinced that the Government of Japan would be willing to accept an amendment to the Immigration Convention with Hawaii

Hawaii, eliminating the dangers of just such questions as the one now so exciting here.

On the other hand, in order to meet the popular clamor, it has been found necessary, as announced by the press, to despatch two vessels of war to Honolulu. One already decided upon is the "Hiyei-Kan", a training ship which, in going to Hawaiian waters, is simply entering upon a cruise decided upon a month ago.

I may add that, pending the receipt of further particulars, or the solution of the difficulty, the emigration of Japanese contract laborers to Hawaii has been forbidden by the Government.

I have the honor to enclose herewith an article upon the situation clipped from the "Japan Mail" of this date.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Clipping from "Japan Mail".

Enclosure with Mr. Ulmis No. 477.

The Japan Daily Mail.

YOKOHAMA, MONDAY, APRIL 12, 1897.

THE HAWAIIAN QUESTION.

It is alleged that the action of the awaiian Administration in preventing e landing of Japanese immigrants is re-rded by the Japanese Government as a olation of the Treaty. Negotiations will erefore be opened for the purpose of as-rting Japan's rights. Instructions have en conveyed to Consul-General Shima-ura requiring him to forward an accurate port by the 20th of this month, and on ceipt of that information, Japan's de-nds will be presented to the Hawaiian thorities. Two men-of-war will be spatched. One is the *Hiyei*, which had eady been got ready for a voyage, and e other will be chosen from among the *in-yen*, the *Matsushima*, the *Fuso*, the *niwa* and the *Suma*. The *Hiyei* is a lted corvette of 2,284 tons; a slow ssel, not primarily likely to be chosen r such a purpose. The *Mainichi Shim-* is responsible for the above state-nts. We take them from an extra blished by it on Saturday evening.

The principal points in the interesting cision rendered by the Supreme Court Hawaii in the above case are these :—

The return of the Collector General of Customs ows that the petitioners were natives of Japan d aliens, that upon their arrival in Honolulu y were removed to the quarantine station and re subjected to an examination by the Deputy llector General of Customs to ascertain their alifications for entering this country. It was cided that all the petitioners were not entitled to d because they were aliens and lacked the neces-y qualifications required by law for landing. It s then decided that they should be held to await e return of the steamer that they might be de-ted.

The decision of the Court continues: "A leng-y traverse to the return was presented for the titioners by Mr. Ballou, which substantially nies that any legally conducted examination of e right of these Japanese to land was made by e Deputy Collector or that any legal decision ereon was made. It is claimed in argument that e Court should inquire into the proceedings, in der to ascertain if the statute relating to the land-g of aliens in the Hawaiian Islands (Act of the Laws of 1894) was complied with. ounsel urge that the decision alleged in the turn is not final, because it was not commu-icated to these Japanese, and therefore they ve had no opportunity to appeal therefrom the Collector General as by the statute al-wed. They also claim that the decision is not nding, because no opportunity was allowed these panese of counsel, and that this was in deroga-n of their rights under the treaty of Hawaii th Japan, which provides that Japanese subjects sojourn and reside in the Hawaiian Islands, joying at all times the same privileges as may granted to the citizens or subjects of any other tion,' one of which privileges is, as set forth in e treaty with Spain, for instance, that 'they shall ve free and easy access to the Courts of Justice the pursuit and defence of their rights, in every stance and degree of jurisdiction established by e laws,' and 'shall be at liberty, under any cumstances, to employ lawyers, advocates or gents from any class whom they may see fit to uthorize or act in their name.'

"These treaty provisions, as it seems to us, do not require that aliens be allowed counsel in cases of examination under the immigration act in question, for the reason that they refer only to persons while resident in the Hawaiian Islands, and not to those who, like the aliens in question, have not yet landed in these Islands, and also for the reason that these treaty provisions apply only to judicial proceedings. As we shall see later on the proceedings under the Act in question to be conducted by the Deputy Collector, are of an executive and not judicial nature. It is not contended here that the Act in question is in conflict with the treaty with Japan, this Act making no discrimination between subjects of other countries.

"There being nothing in the treaty to invalidate the Act itself, or the action taken by the Deputy Collector in pursuance of the provisions of the Act, the question to be determined is whether the proceedings [illegible] are greatly assisted by the decisions of the Supreme Court of the United States, made under an Act of Congress, passed on March 3, 1891, from which one statute was for the most part copied. Both statutes exclude certain classes of undesirable persons, and confer upon certain executive officers the duty of inspecting all alien passengers and deciding upon their right to land in the United States, that is, the authority to pass upon the question whether they are within the prohibition."

The Court then quotes at length from the decisions of the United States Court in which it has been decided that Congress gave a "discretionary power to an officer, to be exercised by him upon his own opinion of certain facts," and "he is made sole and exclusive judge of the existence of those facts, and no other tribunal, unless expressly authorized by law to do so, is at liberty to re-examine or controvert the sufficiency of the evidence on which he acted." Under these decisions "the proper inspection officers are required to go on board any vessel bringing alien immigrants and to inspect and examine them, and may for this purpose remove and detain them on shore without such removal being considered a landing, and shall have power to administer oaths, and to take and consider testimony touching the right of such aliens to enter the United States."

The Court, in its decision, sums up the decisions of the United States Supreme Court as follows :—

"When the law has confided to a special tribunal the authority to hear and determine certain matters in the course of its duties, the decision of that tribunal within the scope of its authority is conclusive upon all others.

"It is contended that the decision of the Deputy Collector of Customs is not final because not announced to the petitioners so that they might appeal. Having held that the decision refusing to admit them to land is an executive function, formal notice of the decision to the petitioners is not essential to its validity. We as a Court do not know whether the decision may not have been announced to them by this time. The failure to announce the decision is not ground to discharge them from the restraint they are undergoing.

"In a case, in re Chin Yuen Sing, a United States Circuit Judge held that the Act of 1891 'left nothing for the Court to inquire into, save only whether petitioner is an alien and whether the the Collector has made a decision.' On this latter point, the return, in which he states that he has decided adversely to admission, is conclusive. Even if he had not so decided when the writ was applied for, the signing of such a return is a decision.' The opinion of the Deputy Collector cannot be inquired into by this Court."

IV

In effect the Court ruled that the Deputy Collector of Customs is absolutely independent of the Judiciary in matters connected with the enforcement of the Immigration Act, and that no appeal from his proceedings lies to a tribunal of law. It will be at once apparent that a very curious consequence is involved in this decision; namely, that a Collector of Customs being beyond the purview of the law in respect of his conduct when applying the Immigration Act, may be legally arraigned whatever step he may take. If, for example, in examining an immigrant, he resorts to practices criminal under ordinary circumstances, he can still claim immunity from penal indictment. On the other hand if an immigrant whose title to land has been denied by the Collector, suffer wrong at the hands of an ordinary Hawaiian citizen, will the Law Courts of Hawaii refuse redress on the ground that the injured alien has not obtained due permission to land in Hawaii? These questions seem more or less academical, but it is beyond all doubt that Hawaii is not competent to decide for herself when and where within her territory privileges secured by treaty shall begin to be enjoyable. There is a universally recognised custom in such matters and no State has arbitrary power to depart from it. Formerly emigration from Japan to Hawaii used to be regulated by a Convention concluded in 1886, but the Convention having ceased to be in force, the Treaty of 1871 alone appears to apply, and we fail to see how the recent proceedings of the Hawaiian Authorities can be reconciled with the terms of the 2nd Article:—

Article II.—The subjects of each of the two high contracting parties, respectively, shall have the liberty freely and securely to come with their ships and cargoes to all places, ports and rivers in the territories of the other, where trade with other nations is permitted; they may remain and reside in any such ports and places respectively, and hire and occupy houses and warehouses, and may trade in all kinds of produce, manufactures and merchandise of lawful commerce, enjoying at all times the same privileges as may have been or may hereafter be granted to the citizens or subjects of any other nation, paying at all times such duties and taxes as may be exacted from the citizens or subjects of other nations doing business or residing within the territories of each of the high contracting parties.

1 Copy to Interior May 17.

DIPLOMATIC
MAY 17 1897
BUREAU.

No. 478.

LEGATION OF THE UNITED STATES,

Tokyi, Japan, April 23, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Patent Regulations of Japan.

No. 478.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 23, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith two copies of the "Regulations Respecting Patents, Trademarks and Designs" of Japan, translated at the British Legation, Tokyo.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

Two copies of patent, trademark and design regulations.

REGULATIONS

RESPECTING

PATENTS, TRADE MARKS

AND

DESIGNS.

(Translation made in H. B. M's Legation)

TOKYO:
Printed by EKISEIKWAN.
1897.

PATENT REGULATIONS.

Promulgated by Imperial Ordinance No. 84 of the 18th day of the 12th month of the 21st Year of Meiji (December 18th 1888), and enforced from the 1st day of the 2nd Year of Meiji (February 1st 1889).

Art. I.—A person who has invented any new and useful art, machine, manufacture, or composition, or any new and useful improvement thereof, may obtain a Patent in accordance with the provisions of these Regulations.

The term "Patent" means the granting to the inventor of a special right to prevent other persons from making, using, or selling the inventions mentioned in the preceding clause without his permission.

Art. II.—The following are not patentable:—

1. Articles of food, drink, or fashion.
2. Medicines, or methods of compounding them.
3. Articles which have been in public use before the application for a patent.

This rule does not apply to articles which have been known to the public for the purpose of trial for a term of not more than two years.

Art. III.—A person who desires to obtain a Patent shall make application to the Minister of State for Agriculture and Commerce, annexing the specifications, and necessary drawings for each invention.

Such application, specifications, and drawings shall be filed at the Patent Bureau.

Art. IV.—When an application is made for a Patent, the Director of the Patent Bureau shall direct the examiner of the Patent Bureau to examine the invention, and if it is decided that a patent should be issued, he shall register it in the Register of Patents, and proceed to deliver Letters Patent with the approval of the Minister of State for Agriculture and Commerce.

Art. V.—Letters Patent shall be signed by the Minister of State for Agriculture and Commerce, and countersigned by the Director of the Patent Bureau, and delivered to the applicant together with the specifications and necessary drawings.

Art. VI.—The terms for which Patents shall be grante three, viz., 5, 10, and 15 years, and shall be reckoned from the of registration.

Art. VII.—When it is considered that the general use o invention is desirable for the public interest, or thatit is neces for military purposes, or that it should be kept secret, the Mini of State for Agriculture and Commerce may grant a conditi Patent, or may refuse to grant a Patent, or may fix conditions or cancel a Patent already granted.

In such cases the Minister of State for Agriculture and C merce must give the inventor, or patentee, such compensation as thinks adequate to the case.

Art. VIII.—Any person who has invented an improvem upon a patented invention of another, and desires to obtain Patent for such improvement, shall confer with the patentee, a having obtained his permission to use the original inventi together with the improvement, shall send in his application accordance with the provisions of Article III.

If the patentee refuses to give this permission, the invent of the improvement may send in his application, stating t circumstances, and the Minister of State for Agriculture, a Commerce may grant him a Patent to use the original inventi together with his improvement.

When the inventor of an improvement has obtained th Patent mentioned in the preceding clause, he must give to th original patentee such compensation as the Minister of State fo Agriculture and Commerce may think adequate.

Art. IX.—When a person who has obtained, or has applie for a Patent dies, his rights devolve on his heirs.

Art. X.—In the case of the following inventions Patent although granted shall be regarded as invalid:—

1. Inventions which have been proved to be either no new, or not useful.
2. Inventions which have been found to come under Article II.
3. Inventions in regard to which it has been found that facts important for working the inventions have been intentionally omitted from the specifications.
4. Inventions in regard to which it has been found that particulars irrelevant to working the invention have been intentionally inserted in the specification.

Art. XI.—When the examiner of the Patent Bureau decides that a Patent should not be granted, the Director shall send a written statement of the decision to the applicant.

Art. XII.—A person who is not satisfied with the decision mentioned in the preceding clause may file a written statement of his grounds of dissatisfaction and demand a re-examination.

When a demand for re-examination is made, the Director shall instruct the examiner of the Bureau to re-examine the application, and if the latter decides that the grounds for dissatisfaction are unreasonable, a written statement to that effect shall be sent to the applicant.

Art. XIII.—When the examiner decides that the invention for which a Patent is applied interferes with one under consideration, or patented, the Director shall inform the parties of the points of interference, and direct them to send in further particulars of their inventions.

On the parties filing these particulars, the Director shall refer them to the examiner, and direct him to decide the question of priority, and send a written statement of the decision to the parties concerned.

Art. XIV.—When under the previous Article an existing Patent is revoked, and another granted, the latter shall date from the registration of the former, and cannot extend beyond the term of the former.

Art. XV.—A person who is not satisfied with the re-examination under Article XII, or with the decision under Art. XIII, may demand trial before the Patent Bureau.

Art. XVI.—When one patentee finds that his right interferes with that of another patentee, he may demand trial before the Bureau for the determination of their respective rights.

Art. XVII.—A person finding that an invention for which a Patent has been granted falls under Article X may demand trial before the Bureau in order to annul the patent.

Art. XVIII.—When a trial is demanded, the Director, as presiding judge, shall hear the case with two or more assessors.

Art. XIX.—Against the judgment of the Patent Bureau no appeal is allowed, nor can an action be brought in a Court of law.

Art. XX.—When the parties concerned require evidence in connection with the examination under Article XII, or trial before the Bureau, the Director may at their request require a Police Court to collect the same.

Art. XXI.—Costs incurred under Articles XV and XVII shall be borne in accordance with the practice in civil suits.

Art. XXII.—A Patent may be sold, or transferred, with he without conditions, or may be made joint property, or may or hypothecated; but, in such cases, application must be made to the Bureau, and the contract shall be registered, and shall be legally invalid against a third person unless registered.

Art. XXIII.—No official of the Patent Bureau shall, during his employment in the Bureau, apply for a Patent, or become the owner of a Patent except by succession.

Art. XXIV.—In the following cases Patents shall be forfeited:—

1. When the patentee without sufficient reason has not worked, and exploited his invention within three years from the date of his Patent.
2. When the patentee without sufficient reason discontinues working and exploiting the invention for three years.
3. When the patentee imports and sells an article for which he has obtained a Patent, or knowing that some other person is importing and selling an article which infriges his rights, countenances the fact.

Art. XXV.—When Letters Patent are damaged, or lost, the patentee may report the circumstances, and apply for their re-issue.

Art. XXVI.—When a patentee finds his specifications or drawings insufficient, or not sufficiently detailed, he may, in order to secure the efficiency of the Patent, make application for amendment of the patent, annexing the amended specification, or drawings. But changes in the essential part of an invention do not come under this rule.

Art. XXVII.—When a patentee finds that he has inserted by mistake some particulars not of his own invention in his specifications, he may apply for leave to disclaim.

Art. XXVIII.—When a person makes application in accordance with Articles XXVI and XXVII, the Director shall refer the

pplication to the examiner, and direct him to examine the pplication.

An applicant who is not satisfied with the decision of the examiner in such a case may demand a re-examination.

Art. XXIX.—Patentees shall affix to their articles such marks s may be determined by the Minister of State for Agriculture and Commerce.

Art. XXX.*—When applications are made in respect of Patents, the following fees shall be paid on application :—

1.	On application for a patent; for each invention.	*yen* 5
2.	†For registration of the sale, transfer, or joint ownership of a Patent; for each invention . .	„ 10
3.	On application for re-issue of Letters Patent; for each Certificate	„ 1
4.	On application for amendment of Letters Patent, or for leave to disclaim; for each invention. .	„ 5
5.	On application for a trial; in each case . . .	„ 7
6.	†For registration of the hypothecation of a patent	„ 5

Art. XXXI.*—The following registration fees shall be paid or Letters Patent :—

For registration in the first instance :—

1.	†A Patent for 5 years	*yen* 20
2.	†A Patent for 10 years	„ 30
3.	†A Patent for 15 years	„ 40

For registration of amended Letters Patent :—

1.	A Patent for 5 years	*yen* 10
2.	A Patent for 10 years	„ 15
3.	A Patent for 15 years	„ 20

Art. XXXII.—The Patent Bureau shall periodically print and ubmit for public perusal the specifications of patented inventions nd an Official Journal of Patents. These may be sold on applica- ion at a reasonable price.

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* Article XII of the Law of Registration Fees published in March 1896 ltered in several respects the provisions of the Patent Regulations which relate o Fees. Articles XXX and XXXI do not therefore represent the actual text f the Patent Regulations, but the provisions of these Regulations as modified y the later law. In this re-adjustment of fees the fee originally payable for pplications in respect of the sale, transfer etc., of Patents does not appear. The tems marked † belong properly to the Law of Registration Fees.

(These remarks apply *mutatis mutandis* to the Designs Regulations, and to he Trade Marks Regulations).

Art. XXXIII.—Any person wishing to have copies of documents, or drawings relating to a Patent, may obtain them on application to the Patent Bureau by paying a reasonable fee for making the same.

Art. XXXIV.—Any person infringing the Patent rights of another shall be liable for damages to the patentee.

Art. XXXV.—The period after which the liability for damages mentioned in the preceding article ceases by prescription is fixed at three years.

Art. XXXVI.—Any person who counterfeits a patented article belonging to another, and uses, or sells it, or who knowingly uses himself, or sells on behalf of another a counterfeited article, or who steals and uses a technical process patented by another, shall be punished with major imprisonment for not less than one month, and not more than one year, or a fine of not less than *yen* 20, and not more than *yen* 200.

Any person who knowingly imports, and uses, or sells an article infringing the rights of a patentee, or who knowingly uses himself, or sells on behalf of another such article, shall be liable to the same punishment.

Art. XXXVII.—In the cases mentioned in the preceding Article the offending articles shall be forfeited and handed over to the patentee; in the case of articles which have already been sold, the amount for which they have been sold shall be taken from the offender, and given to the injured party.

Art. XXXVIII.—Any person obtaining a patent by fraudulent means, or who sells unpatented articles with patent marks, or marks resembling them, or who knowingly sells such articles on behalf of another, shall be punished with major imprisonment for not less than fifteen days, and not more than six months, or a fine of not less than *yen* 10, and not more than *yen* 100.

Art. XXXIX.—With regard to offences coming under Article XXXVI, the institution of criminal proceedings by the injured party (or parties) shall be awaited before the charge is investigated.

In the cases mentioned in the preceding clause a judge may, on the application of the injured party (or parties) suspend the use of articles which are the subject of litigation.

Art. XL.—A patentee who neglects to affix the Patent marks mentioned in Article XXIX to his patented article (or articles)

nnot institute criminal proceedings, or claim damages in a civil tion.

Art. XLI.—If the defendant in an action desires to raise the fence that the Patent is invalid, he shall make a statement to the ourt to that effect, and shall within thirty days thereafter apply to e Patent Bureau for a trial in accordance with Article XVII.

In such case the Court shall adjourn the proceedings until the ial before the Bureau shall have been concluded.

Art. XLII.—The provisions of the Penal Code as to the con-rrence of several offences shall not apply to offences under these egulations.

Art. XLIII.—Rules for the carrying out of these Regulations all be made by the Minister of State for Agriculture and ommerce.

Art. XLIV.—These Regulations shall come into force on the rst day of the second month of the 22nd year of Meiji (Feb. 1889).

Art. XLV.—From the date of operation of these Regulations he Patent Regulations published by Notification No. 7 of the 4th onth of the 18th year of Meiji (April 1885) shall cease to be in orce. But Patents secured under the Regulations in question shall ave the same validity as those secured under the present Re-ulations.

Any application for a Patent which may not have been decided n the date on which these Regulations comes into operation shall e dealt with according to the provisions of these Regulations.

RULES FOR CARRYING OUT THE PATENT REGULATIONS.

Published by Ordinance No. 17 *of the Department of Agriculture and Commerce of the* 18*th day of the* 11*th month of the* 25*th Year of Meiji* (*November* 18*th* 1892) *and enforced from the* 1*st day of the* 12*th month of the same year* (*December* 1*st* 1892).

CHAPTER I.

GENERAL PROVISIONS.

Art. I.—All documents filed at the Patent Bureau shall be nade out separately for each subject, bear the date of filing and

the name, status, occupation, and residence of the applicant—, in the case of specifications and drawings the name of the applicant only —, and be sealed. In the case of a written application for a trial, a statement of particulars, an answer connected with an interference between inventions, or a trial, or a statement of amendments, in addition to the original as many copies must be furnished as the number of the parties interested, or of the opposing parties.

Art. II.—All documents must be clearly written, and the text must not be corrected; when insertions, erasures, or marginal insertions occur, they must be marked with the seal of the person concerned. When words are to be erased, the text must be left intact, and the correction noted in the margin.

Art. III.—When documents, drawings, models, &c., are imperfect, or not clear, or require explanation, the Director of the Patent Bureau (or the official presiding at the trial), shall inform the applicant thereof, and direct him to amend, reconstruct, or answer within sixty days from the date of notice in writing.

Art. IV.—When an applicant finds anything imperfect or not clear in his documents, drawings, or models, he may ask to be allowed to amend, or reconstruct them.

When the foregoing application introduces changes in essential parts, or the director, or the official presiding at the trial, does not recognise the necessity for the application, it shall be rejected.

Art. V.—When a written application for a trial, a statement of particulars, an answer connected with an interference between inventions, or a trial, has been amended, the Director of the Patent Bureau, or the official presiding at the trial, shall send the amended documents to the parties interested or to the opposing parties.

Art. VI.—When from an unavoidable cause it is impossible to take the ordinary or designated course within the term prescribed by these Rules, the party concerned shall state the reasons, and, when it is a question of a fixed date for an oral trial, file before the date in question a written application for postponement signed by himself and the opposing parties.

When the Director, or the official presiding at the trial, considers such a request reasonable, he shall fix a further term not exceeding sixty days, and give notice thereof to the parties concerned, or the opposing parties.

Art. VII.—When an applicant does not take the regular or designated course within the term prescribed by these Rules or

that fixed by the Director, or the official presiding at the trial the application shall be treated as invalid.

A written application for a trial, a statement of particulars, a written application for postponement, an answer connected with an interference between inventions, or a trial, or a statement of amendments, shall not be received unless filed within the terms mentioned in the preceding clause.

Art. VIII.—A written application for a trial, a statement of particulars, or an answer connected with an interference, between inventions, or a trial, shall be accompanied by evidence necessary to prove the alleged facts.

Art. IX.—Documents, drawings, models, and specimens shall not be returned except those deposited as evidence.

Art. X.—When an applicant, an interested party, or an opposing party employs an attorney, he must report the fact and produce the power of attorney.

When the Director, or the official presiding at the trial, considers the attorney unfit, he may, with the approval of the Minister of State for Agriculture and Commerce, direct the appointment of a new attorney.

Art. XI.—The term of a Patent cannot be altered after it has been once granted.

Art. XII.—The Director shall, with the approval of the Minister of State for Agriculture and Commerce, publish the registration, amendment, revocation, or annulment, or grant of leave to disclaim particulars in the specifications of Patents, and other important matters relating to the same in the Official Gazette and the Official Journal of Patents.

CHAPTER II.

APPLICATIONS FOR PATENTS.

Art. XIII.—Applications for Patents shall be made out in accordance with Forms Nos. 1, 2, and 3, and registration stamps of a value corresponding with the fee under Article XXX, Sub-heading 1. of the Patent Regulations shall be affixed.

Art. XIV.—When an applicant wishes to obtain a Patent on joint account with, or in the name of, another, he shall state this in his application, and if it is a question of an improved invention coming under Article VIII of the Patent Regulations, he shall

annex a written statement of consent from the patentee, and the reason for not doing so when he cannot obtain it.

Art. XV.—When an applicant cannot file the specifications or drawings at the time of application, he may first file the application only, and subsequently file the specifications and drawings within thirty days from the date of filing the application.

When specifications and drawings are filed later than the application, they must be accompanied by a letter explaining that they are annexed to the application concerning a certain invention made on such and such a date.

Art. XVI.—When the application, and the specifications and drawings are complete, the Director shall put a serial number upon the application, and give notice thereof to the applicant. All documents referring thereto must after this notice has been received bear the serial number of the application.

Art. XVII.—When after the filing of an application for a Patent a person wishes to obtain a Patent on joint account with, or in the name of another, he shall make application therefor before the registration in the Register of Patents. After registration no such application shall be entertained.

CHAPTER III.

SPECIFICATIONS, DRAWINGS, MODELS, AND SPECIMENS.

Art. XVIII.—Specifications shall be made out under the following heads in the order in which they appear:—

1. Title of invention.
   Every invention shall have in accordance with its nature and object a name sufficiently describing its character.
2. Abstract of the nature and purposes of the invention.
   The structure, functions, and effect of the invention shall be briefly described.
3. Short explanation of drawings if any.
   The positions and points of view in the drawings, and the parts in these which are marked must be clearly indicated.
4. Detailed explanation of the invention:—
   The invention shall be fully explained with all details necessary for its working (reference to be made to drawings if any) so that a person of ordinary ability will not experience any difficulty in working the

invention: and the meaning of words in the extent of claim must be defined.

5. If it is a case of an improved invention, its relation to the original invention.
   The difference between the original invention, and the improvement, the essential points in the combination of the two, and the results obtainable by their joint operation must be pointed out.
6. Extent of claim for a Patent.
   Those particulars which alone are indispensable for constituting an invention shall be pointed out.

Art. XIX.—The noting down in specifications in separate clauses of the extent of claim for a Patent is only necessary in the following cases:—

1. When, in order to make plain the scope of the Patent right the new parts which constitute the invention are stated separately.
2. When, in order to establish definitely the existence of the Patent right, the same invention, or the new parts which constitute the invention, are stated in several ways.

Art. XX.—Drawings must show the parts necessary to make an invention clear. If it is a case of an improved invention, the relation between it and the original invention must be shown.

Art. XXI.—As to models and specimens, only those parts which are essential to the invention need be strongly constructed in metal or wood, their length, breadth, and height not to exceed one *Kane-jaku** and if it be an object liable to be broken, or of a perishable nature, the depositor shall take proper precautions.

Cases, however, where the invention for which a Patent is sought depends on the nature of the material used, where the permission of the Director of the patent Bureau is obtained, or where a special demand is made by him, do not come under this rule.

Art. XXII.—The patentee shall, if ordered to do so by the Director, deposit the model or specimen of his invention for exhibition.

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* Japanese foot (artisan's measure) equivalent to about 11$\frac{1}{4}$ English inches.

Art. XXIII.—When a model, or specimen, becomes unnecessary, the Director shall notify the depositor to take it away, and, in the event of his not doing so within ninety days from the date of notice in writing the Director shall dispose of it at his discretion. The Director will not be liable for damage, or loss, of models, or specimens.

CHAPTER VI.

EXAMINATION.

Art. XXIV.—Examinations shall take place in accordance with the class under which an invention falls according to the serial number of the application, except in the case of the following applications :—

1. Applications for Patent falling under Article VII of the Patent Regulations.
2. Applications for amendment under Article XXVI of the same Regulations.
3. Applications for leave to disclaim under Article XXVII of the same Regulations.

Art. XXV.—The following inventions must not be considered as new and useful inventions :—

1. Inventions publicly known before.
2. Inventions publicly used before application for Patent is made ; provided that public use by Patent* shall not be held to prejudice their novelty.
3. Inventions from which no new good result can be derived.

Art. XXVI.—For the following applications, though the inventions are new and useful, Patents are not to be granted :—

1. Applications considered to fall under sub-headings 1 or 2 of Article II of the Patent Regulations.
2. Applications in regard to which it is considered that there are certain circumstances coming under sub-headings 3 or 4 of Article X of the same Regulations.

Art. XXVII.—The granting of a patent for an improved invention shall be confined to improvements from which a good result for the same purpose as that of the original invention may

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*This refers to cases of interference between inventions where the patent right of the original patentee is cancelled and granted to the other claimant.

e derived by the adoption of the extent of claim of the patented nvention, and the addition thereto of a fresh invention.

Art. XXVIII.—When a model, or specimen of an invention nder examination is required, the Director shall give notice there- f to the applicant, and direct him to deposit it within ninety days rom the date of notice in writing being given.

Art. XXIX.—When it is necessary to test an invention which s under examination, the Director may appoint a suitable time, nd direct the applicant to conduct the test.

Art. XXX.—A decision refusing to grant a Patent shall be rawn up as follows :—

1. Serial number of the application.
2. Title of the invention.
3. Name, status, occupation, and residence of the applicant or his attorney.
4. Abstract of application for the Patent, or, in the case of a decision given on re-examination, an abstract of the applicant's reasons for dissatisfaction with the grounds of refusal.
5. Grounds of refusal.
   These shall be stated properly and clearly, reference being made to the specifications, and they shall be supported by reliable evidence; when however, in accordance with Article XIX, the extent of claim is separately stated in two or more clauses, reasons shall be given in respect of each clause separately.
   In the case of a decision given on re-examination, the grounds for dissatisfaction shall be refuted, and the reasons for the decision on the first examination explained and demonstrated.
6. Text of decision.
7. Date.

Art. XXXI.—A person demanding a re-examination shall raw up a written statement of his grounds for dissatisfaction nder the following heads, and file it within thirty days from the ate of the decision :—

1. Serial number of application.
2. Title of invention.
3. Name, status, occupation, and residence of the applicant, or his attorney.
4. Chief points of dissatisfaction.
5. An argument on the facts.

This must be confined to a refutation by reference to the specifications of the grounds of refusal.

6. Proofs in support of assertion of facts.
7. Signature and seal of the applicant or his attorney.
8. Date.

Art. XXXII.—When in the written statement of reasons for disisatsfaction the grounds of refusal are not refuted, or dissatisfaction with the decision is based solely on points which do not appear in the specifications, the written statement of reasons for dissatisfaction shall be treated as though it had not been filed.

Under these circumstances the Director shall explain the reason to the applicant.

Art. XXXIII.—When an adverse decision is given against the written statement of reasons for dissatisfaction not on the grounds indicated in the first decision, but on new grounds, this decision shall take the place of the first decision, and the latter shall be revoked.

Under these circumstances the Director shall explain the reason to the applicant.

Art. XXXIV.—In the case of a trial being demanded under Article XV of the Patent Regulations, when it is decided that the grounds of refusal were unfounded, the Director shall proceed to hold a new examination.

When, in accordance with the preceding clause, a new examination is held, a decision refusing to grant a Patent cannot be given on the same grounds as before.

CHAPTER V.

INTERFERENCE.

Art. XXXV.—Interference between inventions takes place, subject to the following distinctions, only when the extents of claim for Patents contain items which are the same.

But no interference takes place in respect of parts which are not separately stated in the specifications as prescribed by Article XIX, and in respect of parts which, in accordance with Article LX, are to be considered as abandonment of rights.

1. Between two or more inventions for which Patents have been applied for.
2. Between an invention for which a Patent has been applied for and a patented invention, or one in respect

of which an application has been made for amendment of the Patent.

3. Between two or more inventions in respect of which applications for amendment of the Patents have been made.
4. Between an invention in respect of which an application for amendment of the patent has been made and a patented invention.

Art. XXXVI.—An examination into a case of interference shall be instituted after an invention interfering with another has been decided to be patentable. If before an examination into a case of interference is concluded the examiner finds that the invention in question is not one which causes interference, the examination shall be stopped.

Art. XXXVII.—If the extent of the claim of an invention for which a Patent has been applied for does not interfere with the extent of claim of another invention for which a Patent has been applied for only by reason of being not separately stated in accordance with Article XIX, the Director shall inform the applicant thereof, and enquire whether he will amend the specification or not.

Art. XXXVIII.—Written notice of interference, together with a written statement of grounds indicating the parts which interfere, shall be sent to the party concerned. When the party concerned has received the foregoing notice and written statement of grounds, he shall file a statement of particulars relating to his invention within sixty days, and if he fails to do so within that term he cannot contest the point of priority of invention on the ground that he had completed his invention before the date of his application for Patent.

Art. XXXIX.—When the party concerned has filed a statement of particulars, the Director shall send it to the other party, and direct him to file his reply within thirty days.

After the other party has filed his reply, if the Director thinks it necessary to direct either or both of the parties concerned in the examination to reply again, he shall again take the course mentioned in the preceding clause.

Art. XL.—Any person wishing to terminate a case of interference between inventions shall before the conclusion of the examination of interference demand the revocation of his Patent, or application, or the excision of the interfering parts of his invention.

When the demand mentioned in the preceding clause is made, the Director shall terminate the case, and give notice thereof to the parties concerned.

Art. XVI.—A statement of particulars shall be drawn up under the following heads :—

1. Number of case of interference.
2. Title of interfering invention.
3. Name, status, occupation, and residence of the party concerned, or his attorney.
4. Statement of facts.
   The facts and dates relating to the designing, and completion of the invention, and those relating to the construction of drawings, models, or specimens, must be clearly stated.
5. Proofs in support of assertion of facts.
6. Signature and seal of party concerned, or his attorney.
7. Date.

Art. XLII.—A reply relating to interference shall be drawn up under the following heads :—

1. Number of case of interference.
2. Title of interfering invention.
3. Name, status, occupation, and residence of the party concerned, or his attorney.
4. Chief points of reply.
5. An argument on the facts.
6. Proofs in support of assertion of facts, or statement against the mode of taking evidence put forward by the other party.
7. Signature and seal of the party concerned, or his attorney.
8. Date.

Art. XVIII.—A statement of decision in a case of interference shall be drawn up under the following heads :—

1. Number.
2. Titles of the conflicting inventions.
3. Name, status, occupation, and residence of the parties concerned, or their attorneys.
4. Abstracts of the statements of the parties.
5. Grounds of decision.
   These shall be based on reliable evidence, and stated properly and clearly.

6. Text of dicision.
7. Date.

CHAPTER IV.

TRIAL.

Art. XLIV.—A person demanding a trial shall draw up an application under the following heads, and file it with registration stamps affixed of a value corresponding with the fee under Sub-heading 5 of Article XXX of the Patent Regulations within sixty days from the date of the written decision in a case of re-examination, or of the written decision in a case of interference.

1. Name, status, occupation, and residence of applicant and the other party or their attorneys.
2. Explanation of the case.
3. Chief points of the demand.
4. Arguments on fact or law.
5. Proofs in support of assertion of facts.
6. Signature and seal of the applicant or his attorney.
7. Date.

An examiner of the Patent Bureau shall not be cited as defendant.

Art. XLV.—When an application for a trial has been filed, the official presiding at the trial shall send it to the other party, and direct him to file a reply within thirty days.

After the other party has filed a reply, if the official presiding at the trial still thinks it necessary to direct either, or both of the parties to reply again, he shall again take the course mentioned in the preceding clause.

Art XLVI.—The reply shall be drawn up under the following heads :—

1. Number of trial.
2. Name, status, occupation, and residence of the applicant and the other party, or their attorneys.
3. Explanation of the case.
4. Chief points of the reply.
5. Arguments on fact or law.
6. Proofs in support of assertion of facts, or statement against method of taking evidence put forward by the other party.
7. Signature and seal of the applicant, or of the other party, or their attorneys.

8. Date.

An examiner of the Patent Bureau shall not be cited as defendant.

Art. XLVII.—When a person who has demanded a trial wishes to cancel his application, he shall make a statement to that effect before the conclusion of the trial.

When the statement mentioned in the preceding clause has been made, the official presiding at the trial shall give notice thereof to the other party.

Art. XLVIII.—A person cancelling his application after the other party has filed his reply shall bear the costs of the trial, unless he does so with the consent of the other party.

Art. XLIX.—Trials shall be of two kinds, viz. in writing or oral.

Art. L.—With regard to oral trials, when both parties demand it, or the official presiding at the trial considers it necessary, the trial shall be held publicly.

Art. LI.—In cases of oral trial the official presiding at the trial shall appoint the day, and give notice thereof to the applicant and the other party.

Art. LII.—If the applicant, or the other party, does not file his reply within the time specified, the arguments shall be considered closed, and if one of the two parties having received the notice prescribed in Article LI does not attend at the time fixed, the trial may be concluded in his absence.

Art. LIII.—When the trial is concluded, the official presiding at it shall prepare copies of the judgment, and having sealed them with the seal of the Patent Bureau send them to the applicant and the other party. In cases of oral trial he shall also pronounce the judgment in Court.

Art. LIV.—A written judgment shall be drawn up under the following heads:—

1. Number of trial.
2. Name, status, occupation, and residence of the applicant, and of the other party, or their attorneys.
3. Chief points in the statements of both parties.
4. Grounds of judgment.
   These shall be stated properly and clearly, reference being made to the specifications, and, if a decision has

been given as the result of an examination, to that decision.

5. Text of judgment.
6. Official titles and names of the judges.
7. Date.

An examiner of the Patent Bureau shall not be cited as defendant.

CHAPTER VII.

PATENTS.

Art. LV.—When it is decided to grant a Patent in accordance with Article IV of the Patent Regulations, the Director shall, with the approval of the Minister State for Agriculture and Commerce, send notice in writing thereof together with a form for the payment of the Patent fee to the applicant.

On receipt of the notice mentioned in the preceding clause the applicant shall affix to the form for the payment of the Patent fee stamps of a value corresponding with the fee prescribed under Article XXXI of the Patent Regulations, and file it together with two copies of both specifications and drawings, within sixty days from the date of the notice in writing.

Art. LVI.—When the applicant has paid the Patent fee, the Director shall register the invention in the Register of Patents under the date on which it was paid, give notice thereof to the applicant, and send him Letters Patent within thirty days.

When the fee mentioned in the preceding clause is paid during or after the last office hour, or on a holiday, it shall be treated as having been paid on the next office day.

Art. LVII.—In cases coming under the second paragraph of Article VIII of the Patent Regulations, when a Patent is issued to an applicant who has failed to obtain the consent of the patentee, the Director shall give notice of the fact to the latter and cause him to confer with the applicant with regard to compensation.

If the conference mentioned in the preceding clause does not result in an agreement, the Director shall inform the applicant when he gives him notice of the grant of patent of the kind and amount, &c., of the compensation which the Minister of State for Agriculture and Commerce has decided to be proper, and of the way in which it is to be given etc., and shall also give the same information to the original patentee when the improvement is registered.

Art. LVIII.—Letters Patent shall be made out in accordance with Form No. 4, and the day of registration shall be the date.

Art. LIX.—The patentee shall in accordance with Article XXIX of the Patent Regulations mark the patented article, or the cover or wrapping etc. in which it is enclosed, with the word "Patented," and with the date and duration of the Patent.

Art. LX.—If a patentee sells apart from the rest of the Patent that which belongs to the parts separately stated in the specifications, as prescribed by Article XIX of these Rules, it shall be considered an abandonment of rights concerning those parts.

Art. LXI.—When a person succeeds to a Patent, or a patentee changes his name, residence, or seal, the heir, or patentee, as the case may be, shall at once give notice thereof to the Patent Bureau.

CHAPTER VIII.

SALE, TRANSFER, JOINT-OWNERSHIP, AND HYPOTHECATION.

Art. LXII.—A person wishing to have the sale, transfer, joint-ownership, or hypothecation of a Patent registered, in accordance with Article XXII of the Patent Regulations, shall draw up an application in accordance with Form No. 5 or 6 and file it with registration stamps affixed of a value corresponding with the fee fixed by Article XXX, Section 2, of the Patent Regulations, together with the original and copy of the contract as well as the Letters Patent.

When the application mentioned in the preceding clause is made, the Director shall enter the facts of the case in the Register of Changes, affix to the contract a seal as proof of registration, endorse the Letters Patent, and return the latter together with the contract to the patentee.

Art. LXIII.—When persons who have had a sale, transfer, joint-ownership, or hypothecation registered subsequently dissolve the contract, notice in writing thereof under the joint signatures of the parties concerned shall be filed together with the Letters Patent.

On the filing of the notice mentioned in the preceding clause the Director shall add a note of the fact to the entry in the Register of Changes, and, having endorsed the Letters Patent, return them to the patentee.

Art. LXIV.—When a joint-owner of a Patent wishes to sell or transfer it, extend the joint-ownership, or hypothecate it, the

transaction shall not be registered unless the other joint-owners consent.

CHAPTER IX.

APPLICATION FOR RE-ISSUE.

Art. LXV.—An application for re-issue under Article XXV of the Patent Regulations shall be drawn up in accordance with Form No. 7, and registration stamps of a value corresponding with the fee fixed by Article XXX, Sub-heading 3, of the same Regulations shall be affixed.

Art. LXVI.—When the application mentioned in the preceding Article is made, the Director shall issue Letters Patent on which are endorsed the fact of the re-issue, and the date thereof.

CHAPTER X.

APPLICATION FOR AMENDMENT AND FOR LEAVE TO DISCLAIM.

Art. LXVII.—An application for amendment of a patent in pursuance of Article XXVI of the Patent Regulations may be made in the following cases :—

1. When it is found that there are explanations irrelevant to the patent right, or errors in the drawings.
2. When it is found necessary to establish clearly and definitely the extent of claim without changing its meaning
3. When a patentee finds that he has by mistake established a scope for his patent right which exceeds the scope of his invention.
4. When a patentee finds it necessary to divide one patent into several, without extending the scope of his patent right.

Art. LXVIII.—An application for amendment shall be made out in accordance with Form No. 8, and shall have registration stamps affixed of a value corresponding with the fee under Sub-heading 4 of Article XXX of the Patent Regulations, and be filed, together with the amended specifications or drawings, and the existing Letters Patent and the specifications and drawings belonging to them.

When the application mentioned in the preceding clause is granted, the Director shall, in accordance with the course prescribed

by Articles LV and LVI, add a note of the fact to the entry in the Register of Patents, and send the amended Letters Patent to the applicant.

Art. LXIX.—The amended Letters Patent shall be made out in accordance with Form No. 9, and the day on which they are granted shall be their date.

Art. LXX.—An application for leave to disclaim particulars in specifications under Article XXVII of the Patent Law may be made in cases where it is found necessary to omit some items of the extent of claim separately mentioned, as prescribed by Article XIX, and thereby to abandon part of the scope of the Patent right.

Art. LXXI.—Application for leave to disclaim shall be made out in accordance with Form No. 10, and shall have registration stamps affixed of a value corresponding with the fee under Subheading 4 of Article XXX of the patent Regulations, and be filed together with the Letters Patent.

When the application mentioned in the preceding clause is granted, the Director shall note the same in the Register of Patents, and return the Letters Patent after endorsement to the applicant.

FORMS.

(*To be written on official Mino paper; thirteen lines per page and twenty-five characters per line*).

FORM 1.

(*When application is made for a Patent*).

Application for Grant of Patent.
Title of invention.

Registration stamps and seal.

The above, which is the art (or machine manufacture or composition) described in the annexed specifications, is an Invention completed by me (or us) on . . . . . (*here fill in date*); I (or we) firmly believe that it does not in any way conflict with the provisions of the Patent Regulations. I (or we) therefore request that a patent for . . . . . years may be granted to me (or us).

Inventor's name and seal.

Domicile, and present place of residence, status, and occupation.

Date.

(*When two or more persons apply for the Patent each one shall sign and seal. The same rule applies to all these forms*).

To. . . . . (*here state name and rank of nobility, if any*) Minister of State for Agriculture and Commerce.

FORM 2.

(*When application is made for a Patent for the improvement of an invention already patented by another person*).

Application for grant of Patent.

Registration Stamps and seal.

An improvement on . . . . . (*here state title of original invention*).

The above is, as set forth in the annexed specifications, an improvement which I (or we) have made upon (*here state title of original invention*) patented under Letters Patent No. . . belonging to . . . . which I (or we) completed on the . . . . (*here fill in date*); I (or we) firmly believe that it does not in any way conflict with the provisions of the Patent Regulations, and I (or we) therefore pray that a Patent for. . . . .years may be granted to me (or us). I (or we) hereby enclose the written consent of the patentee, (or statement of reasons why I (or we) cannot obtain the consent of the patentee.)

Inventor's name and seal.

Domicile and present place of residence.

Status.

Occupation.

Date.

To. . . . . (*here state name and rank of nobility, if any*) Minister of State for Agriculture and Commerce.

FORM 3.

(*When application for a Patent is made by heirs*).

Application for Patent.

Title of invention.

Registration Stamps and seal.

The above is an art (or machine, manufacture or composition) invented by the late. . . .(*here state name of inventor and date*) which I (or we) have inherited, and which is described in the annexed specifications. I (or we) firmly believing that it does not in any way conflict with the provisions of the Patent Regulations pray that a Patent for. . . . .years may be granted to me (or us).

Name and seal of applicant.

Domicile and present place of residence.

Heir to the late . . . . . (*here state name of inventor*)

Status.

Occupation.

Date.

To . . . . . (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

FORM 4.

(*Form of Letters Patent*).

Letters Patent No. . . . .

Name.

Domicile, and present place of residence.

Status.

Occupation.

Title of Invention.

In accordance with the Patent Regulations we hereby grant to the above mentioned person a patent for. . . . .years for the extent of claim in the annexed specifications.

Name and seal (*with rank of nobility if any*) of Minister of State for Agriculture and Commerce.

Name and seal of Director of the Patent Bureau, Department of Agriculture and Commerce.

Date.

FORM 5.

(*When application for registration of sale, transfer, joint-ownership, or hypothecation of a Patent is made*).

Application for registration of the sale (*or transfer or joint-ownership or hypothecation*) of a Patent.

Registration stamps and seal.

Letters Patent No . . . . .

Title of Invention.

Name of Invention.

I (or we) having sold, (*or transferred, or hypothecated or made into joint property*) my (or our) Patent, as set forth in the annexed contract, request that the same may be registered. The original contract and a copy thereof, together with the Letters Patent, are annexed to this application.

Name and seal of patentee.

Domicile, and present place of residence, status and occupation.

Date.

Name and seal of purchaser, (or transferee, person becoming joint-owner, or mortgagee).

Domicile, and present place of residence, status and occupation.

Date.

To . . . . . Director of the Patent Bureau, Department of Agriculture and Commerce.

FORM 6.

(*When application is made for registration of the sale, transfer, joint-ownership or hypothecation of a Patent already hypothecated*).

Application for Registration of the sale, (*or transfer, joint ownership or hypothecation*) of a Patent.

Registration stamps and seal.

Letters Patent No. . . . .
Title of Invention.
Name of Invention.

Whereas I (or we) hypothecated the above mentioned Patent belonging to me (or us) to . . . . . , (*here state name and domicile of person*) by a contract dated . . . . . , I (or we) have now sold, (or transferred or made into joint property or hypothecated), the Patent in question, as set forth in the annexed contract, and request that the same may be registered. The original contract and a copy thereof, together with the Letters Patent, are annexed to this application.

Name and seal of patentee.
Domicile, and present place of residence.
Status, and occupation.
Date.
Name and seal of purchaser, transferee, person becoming joint-owner, or mortgagee.
Domicile, and present place of residence.
Status and occupation.
Date.
To . . . . . Director of the Patent Bureau, Department of Agriculture and Commerce.

FORM 7.

(*When application is made for re-issue of Letters Patent*).

Application for re-issue of Letters Patent.

Registration stamps and seal.

Letters Patent No. . . . .
Title of Invention.
Name of Inventor.

The above-mentioned Letters Patent belonging to me (or us) having become damaged (or lost), owing to . . . . . (*here state cause*) I (or we) request that Letters Patent may be re-issued.

Name and seal of patentee.
Domicile, and present place of residence.
Status.
Occupation.
Date.

To . . . . . (*here state name and rank of nobility, if any*) Minister of State for Agriculture and Commerce.

FORM 8.

(*When Application is made for amendment of Letters Patent*).

Application for amendment of Letters Patent. | Registration stamps and seal.
Letters Patent No. . . . .
Title of Invention.
Name of Inventor.

Owing to . . . . . (*here state cause*) in the specifications (or drawings,) accompanying the Letters Patent belonging to me (or us) the efficiency of the Patent is not secured. I (or we) therefore wish to amend them as set forth in the enclosures. As no changes will be introduced in the essential parts of the invention, I (or we) beg that amended Letters Patent may be issued to me (or us). Amended specifications (or amended drawings) and the original Letters Patent, and the specifications (or drawings) attached thereto, are annexed to this application.

Name and seal of Patentee.
Domicile, and present place of residence.
Status and occupation.
Date.

To . . . . . , (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

FORM 9.

(*Form of amended Letters Patent*).

Amended Letters Patent No. . . . . (*In the case of a re-amendment of amended Letters Patent the fact of re-amendment shall be stated*).

Name.
Domicile, and present place of residence.
Status.
Occupation.
Tittle of Invention.

In accordance with the Patent Regulations we hereby grant to . . . . . permission to amend as set forth in the specifications (or drawings) annexed to the present Letters Patent, the Letters Patent (or the amended Letters Patent) No. . . . . issued on . . . . . for the term of . . . . . years.

Date.

Name and seal (*with rank of nobility if any*) of Minister of State for Agriculture and Commerce.

Name and seal of Director of Patent Bureau, Department of Agriculture and Commerce.

FORM 10.

(*When application for leave to disclaim particulars in specifications is made*).

Application for leave to disclaim.

Registration stamps and seal.

Letters Patent No.....

Title of Invention.

Name of Inventor (or Inventors).

I (or we) having found that I (or we) mentioned by mistake, in the specifications annexed to Letters Patent belonging to me (or us) within the extent of claim certain matters not of my (or our) invention, I (or we) wish to omit the words from the word ..... in line ..... of page ..... to the word ..... in line .... of page .....

Name, and seal of patentee.

Domicile, and present place of residence.

Status.

Occupation.

Date.

To ..... (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

TRADE MARKS REGULATIONS.

Promulgated by Imperial Ordinance No. 86 of the 18th day of the 12th month of the 21st year of Meiji (*18th Dec.* 1888) *and enforced from the 1st day of the 2nd month of the 22nd year of Meiji* (*1st February* 1889).

Art. I.—Any person wishing to use a Trade Mark to indicate his own special goods may in accordance with these Regulations register and have the exclusive use of it.

The essential parts of Trade Marks shall be figures, characters, or combinations thereof, which are special and distinctive.

Art. II.—The following cannot be registered as Trade Marks:—

1. Those which are inpurious to morals.
2. Trade Marks the essential parts of which consist of the common names of goods, or of the national flags of Japan or foreign countries.
3. Such as are identical with, or similar to Trade Marks already registered, or Trade marks used by others before the application for registration was made, and which are intended to be applied to identical goods.

Art. III.—Any person wishing to have a Trade Mark registered, shall make application to the Minister of State for Agriculture and Commerce, annexing specifications and a specimen of each trade mark. Such application, specifications, and specimen shall be filed at the Patent Bureau.

Art. IV.—When an application for the registration of a Trade Mark is made, the Director of the Patent Bureau shall instruct the examiner of the Bureau to examine the Trade Mark, and, if it is decided that registration should be permitted, shall with the approval of the Minister of State for Agriculture and Commerce register it in the Register of Trade Marks, and proceed to issue the Certificate of Registration.

Art. V.—The Certificate of Registration shall be signed by the Minister of State for Agriculture and Commerce and countersigned by the Director of the Patent Bureau, and be issued to the applicant together with the specifications and specimen.

Art. VI.—The term for the exclusive use of a Trade Mark shall be twenty years, and, shall be reckoned from the day of registration.

Art. VII.—The exclusive use of a Trade Mark is confined to the goods designated by the applicant in the classification of goods fixed by the Minister of State for Agriculture and Commerce.

Art. VIII.—When there are two, or more, applications for registration of identical or similar Trade Marks for goods which are identical, the Trade Mark the application for the registration of which has priority of date shall be registered; if the applications have the same date, none shall be registered. But this rule does not apply to cases where applications are withdrawn, and only one applicant remains.

Art. IX.—When a person who has had, or is about to have, his Trade Mark registered dies, his rights devolve upon his heirs.

Art. X.—Even if a Trade Mark has been registered, if it is subsequently found that it has been registered in contravention of Article VIII, its registration shall be treated as invalid.

* Art. XI.—In all matters relating to examination, decision, and trial the Patent Regulations shall apply.

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* The Articles of the Patent Regulations which are by this Article made applicable to Trade Marks are as follows:—

Article I. (with the following changes).
For the words "a patent should not be granted" read "permission to register a Trade Mark should not be given."

" XII. (as it stands).

" XV. (with the following changes).
Omit the words "or with the decision under Article XIII."

" XVI. (with the following changes).
For the word "patentee" in two places read "owner of a registered Trade Mark."

" XVII. (with the following changes).
For the words "an invention for which a patent has been granted" read "a Trade Mark which has been registered."
After the words "Article X" insert the words "of the Trade Marks Regulations."
For the words "annul the patent" read "annul the registration."

" XVIII. (as it stands).

" XIX. "

" XX. (with the following changes).
Omit the words "the examination under Article XIII or."

" XXI. (as it stands).

" XXVIII. (with the following changes).
For "Articles XXVI and XXVII read "Article XVI of the Trade Marks Regulations."

" XLI. For the words "the patent is invalid" read "the registration is invalid."

Art. XII.—When the owner of a registered Trade Mark sells, or transfers his business, or carries it on in partnership with another person, he may sell, or transfer his right of exclusive use of the Trade Mark, or make it joint property. But in these cases he shall apply to the Patent Bureau for registration of the contract. An unregistered contract is not legally valid against a third person.

Art. XIII.—Even if a Trade Mark has been registered, its registration shall in the following cases be treated as invalid:—

1. When the owner of a registered Trade Mark has without adequate reason not used it during a period of six months from the date of registration.
2. When the owner of a registered Trade Mark discontinues its use without adequate reason for the period of one year.
3. When the owner of a registered Trade Mark discontinues the business in which the Trade Mark is used.
4. When the owner of a registered Trade Mark attaches to his goods a false declaration with regard to their quantity, place of origin, quality, &c.
5. When the owner of a registered Trade Mark uses a worn out or defective Trade Mark.

Art. XIV.—When the owner of a registered Trade Mark wishes to continue the use of his Trade Mark after the expiration of the original term of its exclusive use, he may apply for its registration afresh.

Art. XV.—When a Certificate of Registration is damaged, or lost, the owner may apply for its re-issue stating the circumstances.

Art. XVI.—When the owner of a registered Trade Mark finds his specification, or specimen, imperfect, he may, in order to secure efficient registration, make application for amendment of the Certificate of Registration, annexing amended specifications, or specimen. But cases where changes are made in the essential parts of a Trade Mark do not come under this rule.

*Art. XVII.—Persons making applications with regard to Trade Marks, shall pay the following fees:—

1. On application for registration or re-registration of Trade Mark; for each Trade Mark and each class of goods . . . . . *yen* 1.00

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* See note on Page 5 to Articles XXX and XXXI. of Patent Regulations.

2. †For registration of a contract of sale, transfer, or joint ownership; for each Trade Mark and each class of goods	„	10.00
3. On application for re-issue of Certificate of Registration; for each certificate.	„	1.00
4. On application for amendment of Certificate of Registration; for each Trade Mark and each class of goods	„	2.00
5. On demand for trial; for each case	„	7.00

Art. XVIII.—Persons obtaining a †Certificate of Registration, an Amended Certificate of Registration, or a †Certificate of Re-registration shall pay for each class of goods for which the Trade Mark is used a registration fee of *yen* 20.

Art. XIX.—The Patent Bureau shall from time to time print and submit for public perusal an Official Journal of Trade Marks. This may be sold on application for a reasonable price.

Art. XX.—Any person requiring copies of documents relating to Trade Marks may apply to the Patent Bureau, and a reasonable fee shall be paid for the same.

Art. XXI.—Any person infringing the right of exclusive use of a Trade Mark shall be liable for damages to the owner.

Art. XXII.—The period after which the liability for damages mentioned in the preceding Article ceases by prescription is fixed at three years.

Art. XXIII.—Any one who uses for goods of the same class a Trade Mark identical with or similar to one which he knows to be the registered Trade Mark of another person, and sells the goods with that mark, or knowingly sells such goods on behalf of another person, shall be punished with major imprisonment for not less than fifteen days, and not more than six months, or a fine of not less than *yen* 10, and not more than *yen* 100.

Any person obtaining a Certificate of Registration by fraud, or who applies the word "Registered" to a Trade Mark not registered, or who knowingly sells such goods on behalf of another, shall be liable to the same punishment.

Art. XXIV.—In the cases mentioned in the preceding Article the offending Trade Mark shall be confiscated, and when it is inseparable from the goods they shall be destroyed.

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† See note on Page 5.

Art. XXV.—With regard to offences coming under the first paragraph of Article XXIII, the institution of criminal proceedings by the injured party (or parties) shall be awaited before the charge is investigated.

In such cases the judge may, on the demand of the plaintiff, suspend the sale of the goods in question.

Art. XXVI.—The provisions of the Penal Code as to the concurrence of several offences shall not apply to offences under these Regulations.

Art. XXVII.—The Minister of State for Agriculture and Commerce shall make rules for carrying out these Regulations.

Art. XXVIII.—This Law shall come into force on the first day of the second month of the twenty-second year of *Meiji* (Feb. 1st 1889).

RULES FOR CARRYING OUT THE TRADE MARKS REGULATIONS.

Published the 18th day of the 11th month of the 25th year of Meiji (November 18th 1892), and enforced from the 1st day of the 12th, month of the same year (Dec. 1st 1892).

CHAPTER I.

GENERAL PROVISIONS.

Art. I.*—Articles I to X, inclusive, of the Rules for carrying out the Patent Legulations, shall apply to these Rules.

Art. II.—The Director of the Patent Bureau shall, with the approval of the Minister of State for Agriculture and Commerce,

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* The Articles of the Rules for carrying out the Patent Regulations which are by this Article made applicable to Trade Marks are as follows:—

Article I. (with the following changes).
After the words "for a trial" omit the words "a statement of particulars;" and after the words "connected with" omit the words "an interference between inventions or."
" III. (as it stands).
" IV. "
" V. (with the same change as in Article I).
" VI. (as it stands).
" VII. } (with the same change as in Article I).
" VIII. }
" IX. (as it stands).
" X. "

publish in the Official Gazette and Official Journal of Trade Narks, the registration, amendment, revocation, or annulment of Trade Marks, and other important matters relating to the same.

CHAPTER II.

APPLICATION FOR REGISTRATION.

Art. III.—Applications for registration of Trade Marks shall be made out in accordance with Form No. 1 for each class of goods, according to the classification under Article XXXIII of these Rules, and registration stamps of a value corresponding with the fee under Sub-heading 1 of Article XVII of the Trade Marks Regulations shall be affixed thereto.

Art. IV.—When two or more persons wish to have a Trade Mark registered in their joint names, a written statement showing the fact of their being engaged in joint business shall be annexed to the application.

Art. V.—On receipt of an application for registration accompanied by the specifications and specimen, the Director shall put a serial number upon the application, and give notice thereof to the applicant.

After receipt of the foregoing notice all documents relating to this application which are filed shall be marked with this serial number.

Art. VI.—When, after the filing of an application for Registration, a person wishes to have his Trade Mark registered in the joint names of himself and another (or others), he shall before registration in the Register of Trade Marks has taken place file an application to that effect, annexing thereto a written statement showing the fact of his being engaged in joint business. After registration no such application shall be entertained.

CHAPTER III.

SPECIFICATIONS, SPECIMEN, AND PRINTING-BLOCK.

Art. VII.—Specifications shall be made out under the following heads in the order in which they appear, and be accompanied by two specimens of the Trade Mark, one of which shall be affixed to the top part of the specifications, and be stamped at the point where the edge of the stamp joins the paper with the applicant's

seal, so that the seal shall be partly on the specimen and partly on the paper to which the specimen is affixed :—

1. An explanation of the entire construction of the Trade Mark.
   With regard to the specimen of the Trade Mark, the form, position, style, and direction, &c., of diagrams and words, and any additional ornamentation of the same, shall be explained.
2. The essential parts of the Trade Mark.
   With regard to the specimen of the Trade Mark, it is only necessary to mention those parts which are specially conspicuous.
3. Class and name of goods to which the Trade Mark is applied.
   The name of the goods shall be mentioned in accordance with the classification of goods under Article XXXIII.
4. Method of using the Trade Mark.
   The way of actually using the Trade Mark shall be explained.

Art. VIII.—The specimen of the Trade Mark must be one of those in actual use.

When however, it is impossible to comply with this rule, a facsimile, or reduced facsimile, may be used.

Art. IX.—The face of the printing-block of a Trade Mark must not in its dimensions exceed *sun** 1.8, nor in thickness *sun* .76, and shall be made of wood or lead.

When, however the above-mentioned limits cannot be adhered to, the dimensions of the face of the printing-block must not exceed *sun* 7 by *sun* 5.

Art. X.—The entire design of a Trade Mark shall be cut on the face of one block, and not be divided into parts for the purpose of colouring, &c. The depositor shall take adequate precautions against the block being defaced by lapse of time.

Art. XI.—When the printing-block of a Trade Mark ceases to be required, the Director shall notify the depositor to take it back, and if he does not take it back within ninety days from the date of written notice, the Director may dispose of it at his discretion.

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* Japanese inch, $\frac{1}{10}$th of a *kanejaku*; see note on Page 11.

The Director will not be responsible for damage to, or loss of, blocks deposited,

CHAPTER IV.

EXAMINATION.

Art. XII.—Examinations shall, except in the case of applications for amendment coming under Article XVI, of the Trade Marks Regulations, be held, according to the dates of the applications, or, if these are of the same date, according to the serial numbers, after the expiration of thirty days from the date of application.

Art. XIII.—The following figures, characters, or combinations thereof, are not considered to be sufficiently conspicuous to be used as the essential parts of Trade Marks :—

1. Trade Marks consisting of signs, or figures merely indicating the quality, nature, or utility of goods.
2. Trade Marks which consist of signs, or figures merely indicating the name, form, or original material of goods.
3. Trade Marks in which only a geographical name, the name of a family, or of a person, the business appellation of any commercial establishment, or the name of a company in common use, is written in the ordinary style of writing.
4. Trade Marks which consist of ground designs.
5. Trade Marks which consist of signs such as are in current use among persons engaged in the same business, or in habitual use in commerce.

Art. XIV.—The following are not to be registered as Trade Marks, although their essential parts are specially conspicuons :—

1. Trade Marks which are identical with, or similar to, the Imperial crest.
2. Trade Marks which come under Sub-headings 1, 2, or 3 of Article II of the Trade Marks Regulations.
3. Trade Marks in respect of which the applications for Registration come uuder Article VIII of the Trade Marks Regulations, and which are of a later or of the same date as other applications.

Art. XV.—When two or more Trade Marks to be used for the same goods fall under one of the following headings, they are to be considered as similar :—

1. When there is no difference between them when they are viewed from a distance.
2. When the names which naturally form them selves from the Trade Marks are identical, or liable to confusion.

Art. XVI.—A decision refusing registration shall be made out under the following heads in the order in which they appear:—

1. Serial number of application.
2. Class and name of goods for which the Trade Mark is to be used.
3. Name, status, occupation, and residence of the applicant, or his attorney.
4. General facts concerning the Trade Mark, or in the case of a decision given on re-examination, an abstract of the applicant's reasons for dissatisfaction.
5. Grounds of refusal.
   These shall be stated properly and clearly, reference being made to the specifiations and the specimen, and, in the case of a decision given on re-examination, the grounds of dissatisfaction shall be refuted, and the reasons for the original decision explained and demonstrated.
6. Text of decision.
7. Date.

Art. XVII.—A person who applies for re-examination shall draw up a written statement of his grounds of dissatisfaction under the following heads, and file it within thirty days from the date of the written statement of the decision:—

1. Serial number of application.
2. Class and name of goods for which the Trade Mark is to be used.
3. Name, status, occupation, and residence of the applicant, or his attorney.
4. Chief points of dissatisfaction.
5. An argument on the facts.
   This must be confined to a refutation by reference to the specifications and specimen of the grounds of refusal.
6. Proofs in support of assertion of facts.
7. Signature and seal of the applicant, or his attorney.
8. Date.

Art. XVIII.—*Articles XXXII to XXXIV, inclusive, of the Rules for carrying out the Patent Regulations shall apply to the examination of Trade Marks.

CHAPTER V.

TRIAL.

Art. XIX.—*Articles XLIV. to LIV. inclusive of the Rules for carryiny out the Patent Regulations shall apply to trials in the case of Trade Marks.

Registration stamps of a value corresponding with the fee under Sub-heading 5 of Article XVII, of the Trade Marks Regulations shall be affixed to the application for trial.

CHAPTER VI.

REGISTRATION.

Art. XX.—When it is decided that registration shall be granted in accordance with Article IV of the Trade Marks Regulations, the Director shall, with the approval of the Minister of State for Agiculture and Commerce, send notice in writing thereof to the applicant, together with a form for the payment of the registration fee.

On receipt of the notice mentioned in the preceding clause the applicant shall affix to the form for the payment of the registration fee stamps of a value corresponding with the registration fee under

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* The Articles of the Rules for carrying out the Patent Regulations which are by these two Articles made applicable to Trade Marks are as follows.—

Article	XXXII.	(as it stands).
,,	XXXIII.	,,
,,	XXXIV.	(with the following changes). For the words "grant a Patent" read "register a Trade Mark."
,,	XLIV.	(with the following changes). After the words "file it" omit rest of paragraph, and substitute the words "within sixty days from the date of the written decison given upon re-examination."
,,	XLV.	(as it stands).
,,	XLVI.	,,
,,	XLVII.	,,
,,	XLVIII.	,,
,,	XLIX.	,,
,,	L.	,,
,,	LI.	,,
,,	LII.	,,
,,	LIII.	,,
,,	LIV.	,,

Article XVIII of the Trade Marks Regulations, and file it, together with two copies of the specifications, and a printing-block of the Trade Mark, within sixty days from the date of the said notice.

Art. XXI.—When the applicant has paid the registration fee, the Director shall register the Trade Mark in the Register of Trade Marks under the date on which it was paid, give notice thereof to the applicant, and send him the Certificate of Registration within fifteen days.

When the fee mentioned in the preceding clause is paid during or after the last office hour, or on a holiday, it shall be considered as having been paid on the next office day.

Art. XXII.—A Certificate of Registration of a Trade Mark shall be made out according to Form No. 2, and the day of registration in the Register of Trade Marks shall be its date.

Art. XXIII.—When a person succeeds to the right of exclusive use of a Trade Mark, or, when the owner of a registered Trade Mark abandons its use, or changes his name, residence, or seal, the heir, or owner, as the case may be, shall immediately give notice thereof to the Patent Bureau.

CHAPTER VII.

SALE, TRANSFER, AND JOINT OWNERSHIP.

Art. XXIV.—A person wishing to have the sale, transfer, or joint ownership of a Trade Mark registered in accordance with Article XII of the Trade Marks Regulations shall make application in accordance with Form No. 3, and file it with registration stamps affixed of a value corresponding with the fee under Subheading 2 of Article XVII of the same Regulations, together with the original and a copy of the contract, as well as the Certificate of Registration of the Trade Mark.

When the application mentioned in the preceding clause is made, the Director shall enter the facts of the case in the Register of changes, affix to the contract a seal as proof of registration, endorse the Certificate of Registration, and return it together with the contract to the applicant.

Art. XXV.—When persons who have had the joint ownership of a Trade Mark registered subsequently dissolve the contract, notice in writing thereof under the joint signatures of the parties concerned shall be filed together with the Certificate of Registration.

When the notice mentioned in the preceding clause has been filed, the Director shall add a note of the fact to the entry in the Register of Changes, and having endorsed the Certificate of Registration return it to the owner.

Art. XXVI.—When one or more joint owners wish to sell or transfer their share in the right to the exclusive use of a Trade Mark to the other joint owners, they shall make application in accordance with the procedure laid down in the first clause of Article XXV.

When the application mentioned in the preceding clause is made, the Director shall follow the procedure laid down in the second clause of Article XXV.

CHAPTER VIII.

APPLICATIONS FOR RE-REGISTRATION AND RE-ISSUE.

Art. XXVII.—An application for re-registration in pursuance of Article XIV of the Trade Marks Regulations shall be made out in accordance with Form No. 4; registration stamps of a value corresponding with the fee under Sub-heading 1 of Article XVII of the same Regulations shall be affixed; and it shall be filed before the expiration of the period of the original registration.

Art. XXVIII.—An Application for re-issue in pursuance of Article XV of the Trade Marks Regulations shall be made out in accordance with Form No. 5, and registration stamps of a value corresponding with the fee under Sub-heading 3 of Article XVII of the same Rgulations, shall be affixed.

Art. XXIX.—When the application mentioned in the preceding Article is made, the Director shall deliver to the applicant a Certificate of Registration on which are endorsed the fact of re-issue and the date.

CHAPTER IX.

APPLICATION FOR AMENDMENT.

Art. XXX.—Application for amendment of a Certificate of Registration in pursuance of Article XVI of the Trade Marks Regulations may be made in the following cases:—

1. When it is found that there is disagreement between the specifications and the specimen of the Trade Mark.
2. When it is found necessary to extend or reduce the

scope of the essential parts of the Trade Mark, or exchange them with other parts, without altering the construction of the specimen Trade Mark mentioned in the specifications.

3. When it is found that the designation of the goods is not in conformity with the classification of goods under Article XXXIII.

Art. XXXI.—An Application for amendment shall be made out in accordance with Form No. 6; registration stamps of a value corresponding with the fee under Sub-heading 4 of Article XVII of the Trade Marks Regulations shall be affixed, and it shall be filed together with a copy of the amended specifications and two amended specimens of the Trade Mark, as well as the existing Certificate of Registration and the specifications attached thereto.

When the application mentioned in the preceding clause is granted, the Director shall add a note of the fact to the entry in the Register of Trade Marks, and issue an amended Certificate of Registration in accordance with the course prescribed by Articles XXI and XXII.

Art. XXXII.—The Amended Certificate of Registration shall be made out in accordance with Form No. 7, and the day of registration shall be its date.

CAAPTER X.

CLASSIFICATION OF GOODS.

Art. XXXIII.—The classification of goods mentioned in Article VII of the Trade Marks Regulations is fixed as follows:—

Class 1.—Chemicals and medicines.

Acids, salts, alkalies, bleaching powder, gums, glue, phosphorus, soap, spirits of wine, etc. glycerine, quinine, morphine, tincures, syrups, medical decoctions, pills, plasters, oils, musk, cloves, table salt, lime, mugwort &c.

Class 2.—Dyestuffs and pigments.

Indigo balls, indigo, purple roots, *beni* (cantharine), vermillion, red lead, mineral green, ultramarine, prussian blue, white lead, gamboge, &c.

Class 3.—Lacquer, varnishes, paints, *shibu*, blacking, &c.

Class 4.—Perfumes and incense.

Perfumed oils, pomades, scent bags, perfumed waters, incense sticks, incense in the form of paste &c.

Class 5.—Metals, and manufactures thereof, unfinished.
Pig iron, wrought iron, steel, bar iron, sheet iron, iron plates, iron wire, copper, sheet copper, copper wire, lead, sheet lead, zinc, sheet zinc, tin, alloys, &c.

Class 6.—Manufactured metal goods.
Castings, forgings, engravings, network, &c.

Class 7.—Edged tools and sharp-pointed tools.
Sickles, saws, carpenter's chisels, drills, chipping chisels, needles, nails, scissors, knives, razors, kichen-knives, fire hooks, &c.

Class 8.—Precious metals and manufactures thereof (including aluminium, gold, nickel, and silver ware).
Gold, silver, *shibuichi*, *shakudo*, and other alloys of precious metals, and plated and engraved goods, and gold and silver lace.

Class 9.—Precious stones, including those which are engraved.
Corals, agate, crystal, topaz, emerald, and their imitations.

Class 10.—Minerals (excepting coal which belongs to class 51).

Class 11.—Stone, including those which are manufactured, or engraved.
Slate, marble, whet stone, stone ware, and imitations of them.

Class 12.—Plaster.
Plaster, cement, gypsum, &c.

Class 13.—Porcelain and earthenware.
Porcelain, faience, earthenware, crucibles, tiles, bricks, &c.

Class 14.—Cloisonné ware.

Class 15.—Glass and glassware.
Glass bottles, glass tubing, coloured glass, &c.

Class 16.—Machinery.
Spinning machinery, sewing machinery, sugar manufacturing machinery, printing machines, and all other manufacturing machines, steam engines, boilers, &c.

Class 17.—Agricultural and industrial implements.
Ploughs, spades, hoes, grain cleaning fans, harrows, pincers, hammers, lines and ink used by carpenters, &c.

Class 18.—Scientific instruments.
Instruments used in physics, chemistry, medicine, surveying, &c.

Class 19.—Instruments for determining measures and weights

Class 20.—Vehicles for transportation.

Wagons, coaches, *jinrikisha*, bicycles, &c.

Class 21.—Musical instruments.

Koto, *samisen*, fiddles, flutes, &c.

Class 22.—Watches and clocks, and articles pertaining to them.

Class 23.—Guns, shot, gun-powder, fire-works, &c.

Class 24.—Silk worm's egg-cards, and cocoons.

Class 25.—Floss silk and raw cotton.

Class 26.—Raw silk, silk-thread, wild silk thread, including *koto* strings, and gold and silver thread.

Class 27.—Cotton yarn.

Class 28.—Woollen yarn.

Class 29.—Hemp yarn.

Class 30.—Silk cloth.

Class 31.—Cotton cloth.

Class 32.—Woollen cloth.

Class 33.—Hemp cloth.

Class 34.—All other cloth except silk, cotton hemp, and woollen cloths, and cloths of mixed materials.

Class 35.—Net-work, and knitted fabrics, lace, braid, net, &c.

Class 36.—Clothing.

Clothing, woven hats, gloves, stockings, woven rain-coats, *hakama*, under vests and drawers, &c.

Class 37.—Fermented products and drink.

Saké, vinegar, *shoyu*, orange water, soda-water, ice, &c.

Class 38.—Sugars.

Sugar, molasses, honey, &c.

Class 39.—Cakes and bread.

Dry cakes, soft cakes, confectionery, foreign cakes, wheat, gluten, sugared articles, &c.

Class 40.—Tea and coffee.

Class 41.—Tobacco.

Class 42.—Grains, vegetables, seeds and fruits.

The five cereals, vegetables, mushrooms, fruits, seeds, roots, yeast, malt, &c.

Class 43.—Flour, starch, and their manufactures and products.

Flour, starch vermicelli, *yuba*, *konnyaku*, frozen *tofu*, frozen *konnyaku*, &c.

Class 44.—*Miso*, *namemono*, and salt vegetables.

Class 45.—Preserved Provisions.
Katsubushi, dried cuttle fish, dried *awabi*, *nori*, sea weed, *tsukudani*, tinned provisions, *uni*, salt provisions, &c.

Class 46.—Dairy products.
Condensed milk, butter, cheese, desiccated milk, &c.

Class 47.—Articles for smoking purposes, and purses, pipes, tobacco pouches, pipe cases, &c.

Class 48.—Paper and articles manufactured thereof.
Paper, tinted paper, *tanjaku* paper, imitation leather wall paper, oil-paper, *shibu* paper, envelopes, cases, *ikkambari*, *motoyui* (string made of paper), &c.

Class 49.—Pens and ink.
Writing brushes, Indian ink, vermilion ink, stick, printing ink, ink, slates, pencils, lead pencils, pens, &c.

Class 50.—Leather and leather goods.
Saddles, bags, letter cases, leather belts, straps, shoes, shoe strings, &c.

Class 51.—Combustibles.
Charcoal, matches, lucifers, lamp wicks, &c.

Class 52.—Oil and wax.
Oil, wax, candles, fats, &c.

Class 53.—Manures.
Fish manure, bean cake and other oil refuse, bonedust, &c.

Class 54.—Wood and bamboo.

Class 55.—Wooden goods, bamboo goods, rattan goods, including lacquered and varnished boxes, cooper's ware, &c.

Class 56.—Goods manufactured from horns, tortoise shell, tusks, &c.

Class 57.—Goods manufactured from straw and grass.
Matting, mats, hats, rope, straw work, &c.

Class 58.—Umbrellas, canes and foot-gear.
Umbrellas, canes, *geta*, *zori*, *hanawo*, &c.

Class 59.—Fans of various kinds.

Class 60.—Lanterns and lamps.

Class 61.—Tooth-powder and washing-powder.

Class 62.—Brushes and false hair.

Class 63.—Toys.
Flower hair-pins, balls, *go*, chess, dolls, tops, small bows, *oshie*, artificial flowers, playing-cards, &c.

Class 64.—Coloured wood-cuts and photographs.

Class 65.—Books, newspapers, and magazines.
Class 66.—All goods not enumerated in the foregoing classes.

FORMS.

(*To be written on official Mino paper, 13 lines per page, and 25 characters per line*).

FORM 1.

(*When application is made for registration of a Trade Mark*).

Application for Registration of Trade Mark. | Registration stamp and seal.

I (or we) firmly believe that the Trade Mark set forth in the accompanying specifications does not conflict in any way with the provisions of the Trade Marks Regulations. I (or we) therefore request that it may be registered.

Applicant's name and seal.

Domicile and present place of residence.

Name of business. (*Description of business for which the Trade Mark is to be used. The same rule applies to all these Forms*).

Status.

Date.

Or (*in cases where the application is made on behalf of a Company or Association*), Names and seals of Company, or Association, and of Director, or responsible officer.

Place of Establishment. (*The same rule applies in cases where an application filed by a company or association is under the joint signatures of two or more persons.*

Name of business.

Date.

To . . . . . (*here state name and rank of nobility, if any*)
Minister of State for Agriculture and Commerce.

FORM 2.

(*Form of Certificate of Registration of a Trade Mark*).

Certificate of Registration of Trade Mark No. . . . .

Name.

Domicile and present place of residence.

Status.

In accordance with the provisions of the Trade Marks Regulations, we hereby register the Trade Mark set forth in the specifications attached to this Certificate, and grant to the above-mentioned person the right of its exclusive use for twenty years

Name and seal (*with rank of nobility, if any*) of Minister of State for Agriculture and Commerce.

Name and seal of the Director of the Patent Bureau.

Date.

FORM 3.

(*When Application for Registration of sale, transfer, or joint ownership of a Trade Mark is made*).

Application for Registration of the sale, (*or transfer, or joint ownership*) of a Trade Mark.

Registration stamps and seal.

Certificate of Registration of Trade Mark No. . . . .

I (or we) having sold, (*or transferred, or made into joint-property*), the above mentioned Trade Mark belonging to me (or us) together with my (or our) business, as set forth in the accompanying contract, request that the same may be registered. The original contract and a copy thereof, together with the Certificate of Registration, are annexed to this application.

Name and Seal of owner of Registered Trade Mark.

Domicile and present place of residence.

Status and Occupation.

Name and seal of purchaser, (*or transferee, or person becoming joint owner*).

Domicile and present place of residence.

Status and Occupation.

Date.

To Mr. . . . . Director of the Patent Bureau, Department of Agriculture and Commerce.

FORM 4.

(*When Application for Re-registration of a TradeMark is made*).

Application for Re-registration of Trade Mark.

Registration stamps and seal.

Certificate of Registration of Trade Mark No. . . . .

As the term of exclusive use of the above mentioned Trade Mark belonging to me (or us) expires on . . . . . , I (or we) wishing to use the Trade Mark for a further term apply hereby for renewal of registration.

Name and seal of owner of Registered Trade Mark.

Domicile, and present place of residence.

Status and Occupation.
Date.

To . . . . . (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

FORM 5.

(*When application for re-issue of Certificate of Registration is made*).

Application for re-issue of Certificate of Registration.

Registration stamps and seal.

Certificate of Registration of Trade Mark No.

The Certificate of Registration of Trade Mark belonging to me (or us) having been damaged or lost (*here state cause*) I (or we) request that the Certificate of Registration may be re-issued.

Name and seal of owner of Registered Trade Mark.
Domicile and present place of residence.
Status and Occupation.
Date.

FORM 6.

(*When application for Amendment of Certificate of Registration of Trade Mark is made*).

Application for Amendment of Certificate of Registration.

Registration stamps and seal.

Certificate of Registration of Trade Mark No . . . . .

Owing to . . . . . (*here state cause*) in the specifications or specimen, accompanying the certificate of Registration belonging to me (or us), the efficiency of the registration is not secured. I (or we) therefore wish to amend them as set forth in the enclosures. As no changes will be introduced in the essential parts of the Trade Mark, I (or we) beg that an amended Certificate of Registration may be issued to me (or us). Amended specifications (or specimen) and the existing Certificate of Registration, and the specifications (or specimen) attached thereto, are amended to this application.

Name and seal of owners of Registered Trade Mark . . . . .

To . . . . . (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

FORM 7.

(*Form of Amended Certificate of Registration of Trade Mark*).

Amended Certificate of Registration of Trade Mark No. . . .
Name.
Domicile and present place of residence.
Name of business.
Status.

In accordance with the provisions of the Trade Marks Regulations we hereby grant to . . . . (*here state name*) permission to amend, as set forth in the specifications (or specimen) amended to the present Certificate the Certificate of Registration (or the Amended Certificate of Registration) No . . . . . issued on . . . . and giving the right of exclusive use for . . . . . years.

Date.

Name and seal (*with rank of nobility, if any*), of Minister of State for Agriculture and Commerce.

Name and Seal of Director of the Patent Bureau.

DESIGNS REGULATIONS.

Promulgated by Imperial Ordinance No. 85 *of the* 18*th day of the* 11*th month of the* 11*st year of Meiji* (11*th Dec.* 1888), *and enforced from the* 1*st day of the* 2*nd month of the* 22*nd year of Meiji* (1*st February* 1889).

Art. I.—Any person devising a new Design relating to form, pattern, or colours, which is applicable to industrial goods may in accordance with these Regulations register and have the exclusive use of it.

Art. II.—The following Designs cannot be registered :—

1. Those which are injurious to public morals.
2. Those which have been publicly known or used before the application for registration was made.

Art. III.—A person wishing to have a Design registered shall make application, to the Minister of State for Agriculture and Commerce, annexing specifications and drawings for each design ; such application, specifications, snd drawings shall be filed at the Patent Bureau.

Art. IV.—When an application for the registration of a Design is made, the Director of the Patent Bureau shall order the examiner of the Patent Bureau to examine the design, and, if it is decided that registration should be permitted, shall, with the approval of the Minister of State Agriculture and Commerce, register it in the Register of Designs, and proceed to deliver the Certificate of Registration.

Art. V.—The Certificate of Registration shall be signed by the Minister of State for Agriculture and Commerce, and countersigned by the Director of the Patent Bureau, and be issued to the applicant, together with the specifications and drawings.

Art. VI.—The terms for the exclusive use of a design are four, namely, three years, five years, seven years, and ten years, and shall be reckoned from the day of registration.

Art. VII.—The exclusive use of a design is confined to the goods designated by the applicant in the classification of goods fixed by the Minister of State for Agriculture and Commerce.

Art. VIII.—When there are two or more applications for identical or similar designs, the Design the application for which has priority of date shall be registered; if the applications are of the same date neither shall be registered. But this rule does not apply to cases where the parties after consulting together make a joint application, or where applications are withdrawn, and only one applicant remains.

Art. IX.—When a person who has had or is about to have a design registered, dies, his rights devolve on his heirs.

Art. X.—The right to apply for the registration of a Design which has been invented by a person at the request of another, or at the expense of his employer, belongs to the person giving the order, or to the employer. But this rule does not apply to cases where a special contract has been made.

Art. XI.—Even if a Design has been registered, if it is subsequently found to come under Article II, or, to have been registered in contravention of Articles VIII, and X, the registration shall be annulled.

* Art. XII.—In all matters relating to examination, decision, and trial, the Patent Regulations shall apply.

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* The Articles of the Patent Regulations which are by this Article made applicable to Designs are as follows:—

Article XI. (with the following changes).
For the words "a patent should not be granted" read "permission to register a Design should not be given"

" XII. (as it stands).

" XV. (with the following changes).
Omit the words "or with the decision under Article XIII."

" XVI. (with the following changes).
For the word "patentee" in two places read "owner of a Registered Design."

" XVII. (with the following changes).
For the words "an invention for which a Patent has been granted" read "a Design which has been registered.
After the words "Article X" insert the words "of the Designs Regulations."
For the words "annul the patent" read "annul the registration."

" XVIII. } (as they stand).
" XIX. }

" XX. (with the following changes).
Omit the words "the examination under Article XIII or."

" XXI. (as it stands).

" XXVIII. (with the following changes).
For "Articles XXVI and XXVII" read "Article XVI of the Designs Regulations."

" XLI. For the words "the patent is invalid" read "the registration is invalid."

Art. XIII.—The right of exclusive use of a design may, with or without conditions, be sold, or transferred, or made joint property, or be hypothecated, in which case application must be made to the Patent Bureau and the contract registered. An unregistered contract is not legally valid against a third person.

Art. XIV.—No official of the Patent Bureau shall, during his term of service, apply for the registration of a Design, or become the owner of the right of exclusive use of a Design except by succession.

Art. XV.—When a Certificate of Registration is damaged, or lost, the owner may apply for its re-issue, stating the circumstances.

Art. XVI.—When the owner of a registered Design finds his specifications, or drawings imperfect, he may, in order to secure efficient registration, make application for amendment of the Certificate of Registration, annexing the amended specifications, or drawings. But cases where changes are made in the essential part of a Design do not come under this-rule.

Art. XVII.—The owner of a Registered Design shall place on the goods to which the design is applied such registration marks as shall be determined by the Minister of State for Agriculture and Commerce.

*Art. XVIII.—Persons making applications with regard to Designs shall pay the following fees:—

1.	On application for registration of Design; for each design and each class of goods . . .	*yen* 50
†2.	For registration of a contract of sale, transfer, joint-ownership; for each design in one class of goods	„ 2.00
†3.	For registration of a contract of hypothecation.	„ 1.00
4.	On application for re-issue of Certificate of Registration; for each certificate	„ 1.00
5.	On application for amendment of Certificate of Registration; for each design and each class of goods	„ 2.00
6.	On demand for trial; for each case	„ 7.00

*†Art. XIX.—Persons obtaining a Certificate of Registration shall pay the following fees for each class of goods to which the design is applied:—

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* † See Note on Page 5.

1. For exclusive use for three years . . . . *yen* 3.00
2. For exclusive use for five years . . . . . „ 5.00
3. For exclusive use for seven years . . . . . „ 7.00
4. For exclusive use for ten years . . . . . „ 10.00

Persons obtaining an Amended Certificate of Registration, shall pay the following fees for each class of goods to which the design is applied :—

1. For exclusive use for three years . . . . *yen* 1.00
2. For exclusive use for five years . . . . . „ 2.00
3. For exclusive use for seven years . . . . . „ 6.00
4. For exclusive use for ten years . . . . . „ 8.00

Art. XX.—Any person requiring copies of documents or drawings relating to registered designs, may apply to the Patent Bureau for them, and in such case reasonable fees shall be paid.

Art. XXI.—Any person infringing the right of exclusive use of a Registered Design shall be liable for damages to the owner.

Art. XXII.—The period after which the liability for damages mentioned in the preceding Article ceases by prescription is fixed at three years.

Art. XXIII.—Any person who knowingly applies the Registered Design of another to goods of the same class and sells them, or who knowingly sells them on behalf of another, shall be punished with major confinement for not less than fifteen days, and not more than six months, or a fine of not less than *yen* 10 and not more than *yen* 100.

Any person who knowingly imports from abroad goods which infringe the rights of the owner of a Registered Design and sells them, or, who knowingly sells such goods on behalf of another, shall be liable to the punishment mentioned in the preceding clause.

Any person obtaining a Certificate of Registration by fraud, or who affixes registration marks, or marks resembling them, to goods to which are applied unregistered designs, and sells the same, or who knowingly sells such goods on behalf of another, shall be liable to the punishment mentioned in the first clause of this Article.

Art. XXIV.—In cases coming under the first and second clauses of the preceding Article the offending goods shall be confiscated and handed over to the owner of the Registered Design; in the case of articles which have abready been sold, the amount for which they have been sold shall be taken from the offender and given to the injured party.

Art. XXV.—With regard to offences coming under the first and second clauses of Article XXIII, the institution of criminal proceedings by the injured party (or parties) shall be awaited before the charge is investigated.

In such cases, the judge may, on the demand of the plaintiff suspend the sale of the goods in question.

Art. XXVI.—The owner of a Registered Design who neglects to affix the registration marks mentioned in Article XVII cannot institute criminal proceedings, or claim damages in a civil action.

Art. XXVII.—The provisions of the Penal Code as to the concurrence of several offences shall not apply to offences under these Regulations.

Art. XXVIII.—Rules for the carrying out of these Regulations shall be made by the Minister of State for Agriculture and Commerce.

Art. XXIX.—These Regulations shall come into force on the first day of the second month of the 22nd year of *Meiji* (February 1st 1889).

RULES FOR CARRYING OUT THE DESIGNS REGULATIONS.

Published the 18*th day of the* 11*th month of the* 25*th year of Meiji,* (*November* 18*th* 1892) *and enforced from the* 1*st day of the* 12*th month of the same year* (*December* 1*st* 1892).

CHAPTER I.

GENERAL PROVISIONS.

* Art. I.—Articles I to X, inclusive, of the Rules for carrying out the Patent Regulations shall apply to these Rules.

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* The Articles of the Rules for carrying out the Patent Regulations which are by this Article made applicable to Designs are as follows:—

Article	I.	(With the following changes). After the words "for a trial" omit the words "a statement of particulars;" and after the words "connected with" omit the words "an interference between inventions or."
,,	II.	(as it stands).
,,	III.	,,
,,	IV.	,,
,,	V.	(with the same changes as in Article I).
,,	VI.	(as it stands).
,,	VII.	(with the same changes as in Article I).
,,	VIII.	
,,	IX.	(as it stands).
,,	X.	,,

Art. II.—The term for the exclusive use of a Design cannot be altered after registration in the Register of Designs.

Art. III.—The Director of the Patent Bureau shall, with the approval of the Minister of State for Agriculture and Commerce, publish in the Official Gazette and Official Journal of Patents the registration, amendment, revocation, and annulment of Designs and other important matters relating thereto.

CHAPTER II.

APPLICATION FOR REGISTRATION.

Art. IV.—Applications for registration of a Design shall be made out in accordance with Forms Nos. 1 to 3, for each class of goods, according to the classification under Article XXXV of these Rules, and registration stamps of a value corresponding with the fee under Sub-heading 1 of Article XVIII of the Designs Regulations shall be affixed thereto.

Art. V.—When an applicant wishes to have his Design registered in the joint names of himself and another, or in another's name, he shall note the same on the application for registration.

Art. VI.—On receipt of an application for registration with specifications, drawings and specimen, the Director shall pnt a serial number upon the application, and give notice thereof to the applicant.

After receipt of the foregoing notice all documents relating to this application which are filed shall be marked with this serial number.

Art. VII.—When a person after filing an application for Registration wishes to have his Design registered in the joint names of himself and another, or in the name of another, he shall make application therefor before registration in the Register of Designs. After Registration no such application shall be entertained.

CHAPTER III.

SPECIFICATIONS, DRAWINGS, MODELS, AND SPECIMENS.

Art. VIII.—Specifications shall be made out under the following heads in the order in which they appear, and be accompanied by two copies of the drawings:—

1. Title of Design.
   Every Design shall have a name in accordance with its nature and the class of goods to which it is to be applied.
2. Class and name of goods to which the Design is to be applied.
   The name of the goods shall be stated according to the classification under Article XXXV of the Rules.
3. Detailed explanation of the Design.
   If the design is one of form, the forms of the whole and of each part; if of pattern, the positions of the diagrams of the whole and of each part; if of colour, the names of the colours of the diagrams to be coloured and the distribution of colour shall be explained, reference being made in each case to the drawings. If the design has its origin in antiquity, a summary of the facts in question shall be given; and the meaning of words in the extent of claim shall be defined.
4. Extent of claim of right of exclusive use.
   Only those particulars which are indispensable to the constitution of the Design shall be set forth.

Art. IX.—The noting down in specifications in separate clauses of the extent of claim shall be limited to cases where in order to make plain the scope of the right of exclusive use of a Design the new parts which constitute the Design are stated separately.

Art. X.—In drawings the parts necessary to make a Design clear shall be shown.

When a design can be shown by photographs, unmounted photographs only may be substituted for drawings.

Art. XI.—With regard to Models and specimens, only those parts which are necessary to the design shall be made: their length, breadth, and height shall not exceed one *kanejaku** and in case of fragile or perishable articles the depositors shall take proper precautions for their safety.

Cases, however, where the permission of the Director is obtained, or where a special order is given, do not come under this rule.

Art. XII.—The owner of a registered Design shall, if ordered to do so by the Director, deposit the model or specimen for exhibition.

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* See Note on Page 11.

Art. XIII.—When a model or specimen ceases to be required, the Director shall notify the depositor to take it away, and if he does not do so within ninety days from the date of notice in writing, the Director may dispose of it at his discretion.

The Director will not be liable for damage, or loss, of models or specimens deposited.

CHAPTER IV.

EXAMINATION.

Art. XIV.—Examinations shall, with the exception of applications for amendment coming under Article XVI of the Designs Regulations, be held according to the dates of application, or if these are of the same date, according to the serial numbers, after the expiration of thirty days from the date of application.

Art. XV.—The following shall not be held to be new Designs:—

1. These which come under, or resemble those which come under, Sub-heading 2 of Article II of the Designs Regulations.
2. Designs which, though not publicly known or used, are identical with or similar to designs in respect of which registration has been applied for by some other person who has since abandoned his rights.

Art. XVI.—The following Designs, although they may be new, cannot be registered :—

1. Designs in which figures identical with or resembling the Imperial crest are used.
2. Designs which come under Sub-heading I of Article II of the Designs Regulations.
3. Designs in respect of which the applications for Registration come under Article VIII of the Designs Regulations and which are of a later or of the same date as other applications.
4. Designs not applied to industrial goods.
5. Designs in which form, pattern, or colour do not constitute an essential part.
6. Designs which are nothing more than marks on merchandise.

Art. XVII.—A decision refusing registration shall be made out under the following heads in the order in which they appear:—

1. Serial number of application.
2. Name of Design.

3. Class and name of the goods to which the Design is to be applied.
4. Name, status, occupation, and residence of the applicant, or his attorney.
5. Abstract of the application for registration, or, in case of re-examination, an abstract of the applicant's grounds for dissatisfaction.
6. Grounds of refusal.
   These shall be stated properly and clearly, references being made to the specifications and to the model and specimen. If the extent of claim, is in accordance with Article IX of these Rules stated separately in two or more clauses, reasons shallbe given in respect of each clause separately.
   In the cases of a decision given on re-examination, the grounds of dissatisfaction shall be refuted, and the reasons for the orginal decision explained and demonstrated.
7. Text of decision.
8. Date.

Art. XVIII.—Aperson applying for re-examination shall draw up a written statement of his grounds of dissatisfaction under the following heads in the order in which they appear, and file it within thirty days from the date of the written decision :—

1. Serial number of application.
2. Name of Design.
3. Class and name of goods to which the Design is to be applied.
4. Name, status, occupation, and residence of the applicant, or his attorney.
5. Chief points of dissatisfaction.
6. An argument on the facts.
   This must be confined to a refutation by reference to the specifications of the grounds of refusal.
7. Proofs in support of assertion of facts.
8. Signature and seal of the applicant, or his attorney.
9. Date.

Art. XIX.*—Articles XXVIII and Articles XXXII to

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* The Articles of the Rules for carrying out the Patent Regulations which are by these two Articles made applicable to Designs are as follows :—

Article XXVIII. (with the following changes).
For the word "invention" read the word "Design."
" XXXII. (as it stands).
" XXXIII. "

XXXIV inclusive of the Rules for carrying out the Patent Regulations shall apply to the examination of Designs.

CHAPTER V.

TRIAL.

*Art. XX.—Articles XLIV to LIV inclusive of the Rules for carrying out the Patent Regulations shall apply to trials in the case of Designs.

Registration stamps of a value corresponding with the fee under Sub-heading 6 of Article XVIII of the Designs Regulations shall be affixed to the application for trial.

CHAPTER VI.

REGISTRATION.

Art. XXI.—When it is decided that registration shall be granted in accordance with Article IV of the Designs Regulations, the Director shall, with the approval of the Minister of State for Agriculture and Commerce, send notice in writing thereof to the applicant together with a form for the payment of the registration fee.

On receipt of the notice mentioned in the preceding clause the applicant shall affix to the form for the payment of the registration fee registration stamps of a value corresponding with the fee under Article XIX of the Designs Regulations and file it together with two copies of the specifications and drawings within sixty days from the date of the said notice.

Article	XXXIV.	(with the following changes). For the words "grant a Patent" read "register a Design."
,,	XLIV.	(with the following changes). After the words "file it" omit rest of paragraph, and substitute the words "within sixty days from the date of the written decision given upon re-examination."
,,	XLV.	(as it stands).
,,	XLVI.	,,
,,	XLVII.	,,
,,	XLVIII.	,,
,,	XLIX.	,,
,,	L.	,,
,,	LI.	,,
,,	LII.	,,
,,	LIII.	,,
,,	LIV.	,,

Art. XXII.—When the applicant has paid the registration fee, the Director shall register the Design in the Register of Designs under the date on which it was paid, give notice thereof to the applicant, and send him the Certificate of Registration within fifteen days.

When the fee mentioned in the preceding clause is paid during or after the last office hour, or on a holiday, it shall be treated as having been paid on the next office day.

Art. XXIII.—A Certificate of Registration of a Design shall be made out in accordance with Form No. 4, and the day of registration in the Register of Designs shall be its date.

Art. XXIV.—The owner of a registered Design shall, in accordance with Article XVII of the Designs Regulations, mark on the goods to which the Design is applied or the wrappers etc., the words "registered design," the date of the Certificate of Registration, and the term of its exclusive use.

Art. XXV.—When the owner of a registered Design sells goods to which that which belongs to the parts described in accordance with Article IX of these Rules is separately applied, it shall be considered an abandonment of rights concerning those parts.

Art. XXVI.—When a person succeeds to the right of exclusive use of a Design, or when the owner of a Registered Design changes his name, residence, or seal, the heir or owner, as the case may be, shall at once give notice thereof to the Patent Bureau.

CAAPTER VII.

SALE, TRANSFER, JOINT-OWNERSHIP, AND HYPOTHECATION.

Art. XXVII.—A person wishing to have the sale, transfer, joint-ownership, or hypothecation of a Design registered in accordance with Article XIII of the Designs Regulations shall make application in accordance with Forms Nos. 5 or 6, and file it, with registration stamps affixed of a value corresponding with the fee under Sub-heading 2 of Article XVIII of the same Regulations, together with the original and a copy of the contract, as well as the Certificate of Registration of the Design.

When the application mentioned in the preceding clause is made, the Director shall enter the facts of the case in the Register

of Changes, affix to the contract a seal as proof of registration, endorse the Certificate of Registration, and return it together with the contract to the applicant.

Art. XXVIII.—When persons who have had the sale, transfer, joint-ownership, or hypothecation of a Design registered subsquently dessolve the contract, notice in writing thereof under the joint signatures of the parties concerned shall be filed together with the Certificate of Registration.

When the notice mentioned in the preceding clause has been filed, the Director shall add a note of the fact to the entry in the Register of Changes, and having endorsed the Certificate of Registration return it to the owner.

Art. XXIX.—When one or more joint owners wish to sell, transfer, or hypothecate the right of exclusive use of a Design, or to extend the joint-ownership, registration shall only be effected with the consent of the other joint owners.

CHAPTER VIII.

APPLICATION FOR RE-ISSUE.

Art. XXX.—An application for re-issue under Article XV of the Designs Regulations shall be made out in accordance with Form No. 7, and registration stamps of a value corresponding with the fee under Sub-heading 4 of Article XVIII of the same Regulations shall be affixed.

Art. XXXI.—When the application mentioned in the preceding Article is made, the Director shall deliver to the applicant a Certificate of Registration on which are endorsed the fact of re-issue and the date.

CHAPTER IV.

APPLICATION FOR AMENDMENT.

Art. XXXII.—An application for amendment of Certificate of Registration in pursuance of Article XVI of the Designs Regulations may be made in the following cases:—

1. When it is found that there is disagreement between the specifications and the drawings.
2. When it is found necessary to establish clearly the extent of claim without changing its meaning.

3. When the owner of the Certificate of Registration finds that he has by mistake established a scope for his right of exclusive use of his Design beyond the scope of his invention.

Art. XXXIII.—An application for amendment shall be made out in accordance with Form No. 8, registration stamps of a value corresponding with the fee under Sub-heading 5 of Article XVIII of the Designs Regulation shall be affixed, and it shall be filed together with a copy of the amended specifications and two copies of the drawings, as well as the existing Certificate of Registration, and the specifications and drawings belonging thereto.

When the application mentioned in the preceding clause is granted, the Director shall, in accordance with the course prescribed by Articles XXI and XXII of these Rules, add a note of the fact to the entry in the Register of Designs, and send to the applicant the amended Certificate of Registration.

Art. XXXIV.—The Certificate of amended Registration shall be made out in accordance with Form No. 9, and the day of registration shall be its date.

CHAPTER V.

CLASSIFICATION OF GOODS.

Art. XXXV.—The Classification of Goods mentioned in Article VII of the Designs Regulations is fixed as follows;—

Class 1.—Clothing.
Boots, lower garments, overcoats, shirts and vests, girdles, neck-cloths, neck-ties, neckerchiefs, shawls, &c.

Class 2.—Head-dress ornaments, and hats.
Combs, *kanzashi* (hair-pins), *nekake* (strings of coral beads etc. worn in the hair), ornaments worn in the front of the dress, bracelets, rings, buttons, hats, &c.

Class 3.—Clocks and watches and their accessories.
Watches, clocks, wall clocks, watch chains, &c.

Class 4.—Umbrellas, canes and foot-gear.
Umbrellas, canes, *geta* (clogs), *zori* (sandals), boots and shoes.

Class 5.—Articles carried on the person.
Smoking paraphernalia, fans, purses, hand-bags, &c.

Class 6.—Furniture.
Side-boards, chests of drawers, writing desks, tables, chairs, bedsteads, &c.

Class 7.—Floor-coverings.

Cotton carpets, oil-paper floor covers, ornamental mats, and all other descriptions of floor coverings.

Class 8.—Stoves and accessories.

Braziers, stoves, smoking braziers, charcoal baskets, coal boxes, tongs, &c.

Class 9.—Lamps.

Andon (standing lanterns), candlesticks, hand-candlesticks, *toro*, foreign lamps, gas-light globes, electric light bulbs, &c.

Class 10.—Fittings for buildings.

Shōji (the inner doors separating rooms), doors, sliding doors, *ramma* (elevated windows), balustrades, &c.

Class 11.—Tissues and woven goods not included in other classes.

Tissues of silk, cotton, hemp, and wool, embroideries, handkerchiefs, window curtains, table cloths, &c.

Class 12.—Network and woven work not included in other classes.

Laces, braids, fringes, &c.

Class 13.—Lacquer work not included in other classes (including varnish, paints, &c.).

Eating and drinking vessels, boxes, incense boxes, &c.

Class 14.—Porcelain and earthenware articles not included in other classes (including bricks, tiles, &c.).

Eating and drinking vessels, vases, incense burners, &c.

Class 15.—Glass ware not included in other classes.

Eating and drinking vessels, cut or engraved glass, &c.

Class 16.—*Shippō* ware (enamel) not included in other classes.

Vases, incense burners, boxes, incense boxes, &c.

Class 17.—Metal goods not included in other classes.

Articles made of the precious metals, other metals, and alloys.

Class 18.—Stone goods not included in other classes.

Articles made of precious or other stones.

Class 19.—Articles made of wood, bamboo, ivory, and horn.

Trays, boxes, flower stands, baskets, bamboo blinds, wall-brackets, trays for handing tea-cups, chop-sticks, *kem-bio* (miniature screens), *boku-dai* (stands), pen-stands.

Class 20.—Paper and goods manufactured of paper not included in other classes.

Stamped paper, paper in imitation of leather, paper for sliding doors, wall paper, *hiō-shi* (paper for book-covers) paper, *shikishi* (coloured squares of paper), *tanzaku* (coloured slips of paper), writing paper, envelopes, letter-boxes, *ikkambari* (a kind of stout cardboard), &c.

Class 21.—Leather and manufactures of leather not included in other classes.
Stamped leather, letter-boxes, saddlery, &c.
Class 22.—Goods not included in other classes.

FORM.

To be written on official *Mino* paper, thirteen lines per page and twenty five characters per line.

FORM I.

(*When application is made for Registration of a Design.*)

Application for Registration of Design. | Registration stamps and seal.

Title of Design.

The above-mentioned Design which is described in the accompanying specifications and drawings (or photographs) has been invented by me (or us). I (or we) firmly believe that it does not in any way conflict with the provisions of the Designs regulations. I (or we) therefore request that it may be registered for. . . .years.

Inventor's Name and seal. (*When there are two or more applicants each one must sign and seal. This rule applies to all the following forms*).

Domicile and present residence.

Status, and occupation.

Date.

To. . . . . (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

FORM 2.

(*When application is made for Registration of a Design by an heir*).

Application for Registration of Design. | Registration stamps and seal.

Title of Design.

The above is a design which the late. . . . .invented, which I have inherited, and which is described in the accompanying specifications and drawings (or photographs). I firmly believe that it does not in nny way conflict with the provisions of the Designs Regulations. I therefore request that it may be registered for. . . . .years.

Applicant's name and seal.

Domicile and present residence.

Heir of the late. . . . .inventor.

Status, occupation.
Date.
To. . . . . (*here state name and rank of nobility if any*) Ministe State for Agriculture and Commerce.

FORM 3.

(*When application is made for Registration of a Design invented by another*).

Application for Registration of Design. | Registration stamp and seal. |

Title of Design.

The above-mentioned Design which is described in the accompanying specifications and drawings (or photographs) I (or we r this company, or this association) have caused to be invented y. . . . .(*here state name and domicile of inventor*). I (or we etc. tc.) firmly believe that it does not in any way conflict with the rovisions of the Designs Regulations. I (or we etc. etc.) therefore equest that it may be registered for. . . . .years.

Applicant's name and seal.
Domicile and present residence.
Status and occupation.
Date.

or

Names and seals of company or association and of Director or responsible officer.

(*The same mode of signature applies in cases where an application filed by a company or association is under the joint signatures of two or more persons*).

Place of establishment.
Date.
To. . . . . (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

FORM 4.

(*Form of Certificate of Registration of Designs.*)

Certificate of Registration of Design No. . . . .
Title of Design.
Name.
Domicile and present residence.
Status, and occupation.

In accordance with the Designs Regulations we hereby register the above-mentioned Design, and we grant to the

above-named person for the extent of claim set forth in the accompanying specification the right of its exclusive use for. . . .years.

Name and seal (*with rank of nobility, if any*) of Minister of State for Agriculture and Commerce.

Name and seal of Director of Patent Bureau, Department of Agriculture and Commerce.

Date.

FORM 5.

(*When application for Registration of sale, transfer, joint ownership or hypothecation of a Design is made*).

Application for Registration of sale, (or transfer, joint-ownership, or hypothecation), of a Registered Design.

Registration stamps and seal.

Certificate of Registration, No. . . . .

Title of Registered Design.

Name of Inventor.

I (or we) having sold, (or transferred, made into joint property or hypothecated) the above-mentioned Registered Design belonging to me (or us), as set forth in the accompanying contract, request that the same may be registered. The original contract and a copy thereof, together with the Certificate of Registration, are annexed to this application.

Name and seal of owner of Registered Design.

Domicile and present residence.

Status, and occupation.

Date.

Name and seal of purchaser (or transferee, person becoming joint owner, or mortgagee).

Domicile and present residence.

Status, and occupation.

To. . . . . (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

FORM 6.

(*When application for Registration of the sale, transfer, joint ownership, or hypothecation of a Registered Design already hypothecated is made*).

Application for Registration of the sale, (or transfer, joint-ownership or hypothecation) of a Registered design.

Registration stamps and seal.

Certificate of Registration No. . . . .

Title of Registered Design.

Name of Inventor.

Whereas I (or we) hypothecated the above-mentioned Design belonging to me (or us) to. . . . . (*here state name and domicile of person*) by a deed dated. . . . . I (or we) have now sold (or transferred or made into joint property or hypothecated) the Design in question, as set forth in the annexed contract. The original contract and a copy thereof together with the Certificate of Registration are annexed to this application.

Name and seal of owner of Registered Design.

Domicile and present residence.

Status, and occupation.

Date.

Name and seal of purchaser (or transferee, person becoming joint owner, or mortgagee).

Domicile and present residence.

Status and occupation.

To Mr. . . . . .

Director of the Patent Bureau, Department of Agriculture and Commerce.

FORM 7.

(*When application for Re-issue of Registration of Design is made*).

Application for re-issue of Certificate of Registration.

Registration stamps and seal.

Certificate of Registration of Design No. . . . . .

Title of Registered Design.

Name of Inventor.

The above-mentioned Certificate of Registration belonging to me (or us) having being damaged (or lost) . . . . . (*here state cause*) I (or we) beg that a new one may be issued.

Name and seal of owner of Registered Design.

Domicile and present residence,

Status and occupation.

To . . . . . (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

FORM 8.

(*When application for Amendment of Certificate of Registration Design is made*).

Application for Amendment of Certificate of Registration of Design.

Registration stamp and seal.

Certificate of Registration of Design No . . . . .

Title of Registered Design.

Name of inventor.

Owing to . . . . . (*here state cause*) in the specifications (or drawings or photographs) accompanying the Certificate, of Registration belonging to me (or us) the efficiency of the Registration is not secured. I (or we) therefore wish to amend them as set forth in the enclosures. As no changes will be introduced in the essential parts of the Design, I (or we) beg that an amended Certificate of Registration may be issued to me (or us). Amended specifications (or drawings or photographs) and the existing Certificate of Registration and the specifications (or drawings or photographs) attached thereto are annexed to this application.

Name and seal of owner of Registered Design.

Domicile and present residence.

Status and occupation.

Date.

To . . . . . (*here state name and rank of nobility if any*) Minister of State for Agriculture and Commerce.

FORM 9.

(*Form of Amended Certificate of Registration of Design*).

Amended Certificate of Registration of Design No . . . . .

Title of Design.

Name.

Domicile and present residence.

Status and occupation.

In accordance with the provisions of the Designs Regulations we hereby grant to . . . . . permission to amend, as set forth in the specifications (or drawings) attached to the pre-sent Certificate, the Certificate of Registration (or the amended Certificate of Registration) No. . . . . issued on . . . . . and giving the right of exclusive use for . . . . . years.

Date.

Name and seal (*with rank of nobility if any*) of Minister of State for Agriculture and Commerce.

Name and seal of Director of Patent Bureau, Department of Agriculture and Commerce.

CABINET ORDINANCE No. 23.

ublished the 25th day of the 12th month of the 21st year of Meiji (December 25th 1888), and enforced from 1st day of the 2nd month of the 22nd year of Meiji (February 1st 1889).

The fees for Letters Patent, Registration of Trade Marks and esigns, as set forth in Article XXX of the Patent Regulations rtscle XVIII of the Designs Regulations and Article XVII of he Trade Marks Regulations, must be paid in registration stamps.

Signed Count MATSUKATA

Minister President of the Cabinet.

ORDINANCE NO. 9. OF DEPT. OF AGRICULTURE AND COMMERCE.

Art. I.—If any person residing abroad desires to make an application in connection with the patenting of an invention, or the registration of a Trade Mark, or Design, he must appoint a person residing in Japan as his agent, and furnish him with a power of at orney.

Art. II.—A foreigner making an application in connection with the patenting of an invention, or the registration of a Trade Mark, or Designs, must attach to his application a certificate of nationality.

Art. III.—Applications, specifications, notices or other documents must be wrritten in Japanese.

Art. IV.—A translaton must be attached to a power of attorney, certificate of nationality, or any other document written in foreign language.

(Signed) Viscount ENOMOTO

Minister of State for Agriculture and Commerce.

(Dated) Nov. 20th 1896.

NOTIFICATION NO. 17.

DEPARTMENT OF AGRICULTURE AND COMMERCE.

Issued 1*st day*, 12*th month*, 25 *year of Meiji*
(*December* 1*st* 1892).

Specifications and drawings to be annexed to applications for Patent, for Registration of Designs, and for Registration of Trade Marks filed after the 1st day of the 12th month of the 25th year of Meiji, (Dec. 1st 1892) shall be made in accordance with the following rules :—

1. Specifications shall be written in the *kai* or *gyo* style, 13 lines per page and 25 characters per line, on Mino paper folded in two, margins of 1 *sun* * being left at the top of the page, 2 *sun* at the bottom 12 *sun* on the outer side, and 1 *sun* for binding.

2. In the Specifications the several Sub-headings of Art. XVIII of the Rules for carrying out the Patent Regulations, Art. VIII of the Rules for carrying out the Designs Regulations, and Art. VII of the Rules for carrying out the Trade Marks Regulations shall be written in separate paragraphs in the proper order.

3. When in the Specifications the drawings are referred to in the course of explanation, the parts of the drawings referred to must not merely be indicated by marks, but the proper names of these parts must be written above the marks.

4. In the Specifications to be annexed to applications for Registration of Trade Mark no explanation in respect of the colour of the Trade Mark is required.

5. Drawings shall be made on sized white Mino-paper, or *usuyo*, within a space of 7.2 *sun* by 4.6 *sun*, margins of 1 *sun* being left at the top .8 *sun* at the bottom, .3 *sun* on the left and 1.5 *sun* on the right, and shall be clearly drawn in Indian ink, so that they may be suitable for photography or lithographic printing.

In cases, however, where in the drawing for a Design the diagram is large, and, if reduced, cannot show the Design minutely, this provision need not be adhered to.

6. In making drawings there is no objection to using sides as top and bottom, but the same paper shall not be used both ways.

7. Drawings shall be made as far as possible on one sheet of paper, and shall not exceed this except in case of necessity.

*See Note on Page 11.

8. The title of an Invention or Design shall not be mentioned in the drawings.

9. Drawings, except those relating to colouring, must not be coloured.

10. Separate figures shall have a number for each, as figure No. 1. No. 2, &c., and if there are several figures for one part, all shall bear the same mark. Both numbers and marks shall be written clearly, and so as not to interfere with the figures.

11. When a mark cannot be placed close to a figure, it shall be put a little on one side, and be connected with the part it is intended to indicate by the thinnest possible straight line; a mark should never be put upon a part that is shaded, but when put there of necessity, the spot where the mark is shall be left unshaded.

12. To show a cross-section, parallel lines about .03 *sun** apart from one another shall be diagonally drawn, and for different parts in a cross section diagonal lines of different direction shall be used.

13. When in order to indicate raised or depressed parts clearly it is necessary that they should be shaded, the shading shall be put in with lines simply and clearly. Shading shall be used as little as possible.

14. In the preparation of drawings of a Design relating to words and signs to be applied to printing, the following points shall be observed:—

1. When the Design is one of words composed of the many characters of the *katakana* or *hiragana* syllabaries, or of the limited letters of the Roman alphabet, the whole of the characters or letters shall be shown.
2. When the Design is one of words composed of Chinese characters which are unlimited in number, the whole of each character need not be shown, but only the various component parts such as the *hen*, *tsukuri*, *kammuri* or *kamaye*. In the case of Designs composed of words the whole of which cannot be shown by indicating only such component parts as the *hen*, or *tsukuri*, etc., so much of the character shall be shown as a specimen as is sufficient to give a clue to the whole.
3. When the Design is one which has no concern with the whole of a word, or with the *hen*, or *tsukuri*, etc. of a character, but consists in the form given to the dots and strokes used in writing characters, the form of each kind of dot or stroke used shall be shown as well as several kinds of the whole words thus composed.

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* See Note on Page 11.

NOTIFICATION No. 1. OF THE DEPARTMENT OF AGRICULTURE AND COMMERCE.

Published the 4th day of the 1st month of the 22nd year of Meiji (January 4th 1889), and enforced from the 1st day of the 2nd month of the same year of Meiji (February 1st 1889).

In pursuance of the Patent Regulations, Designs Regulations and Trade Marks Regulations the prices to be paid for specifications of Patented inventions for the Official Journal of Patents and the Official Journal of Trade Marks, the fees to be paid for copies of documents and preparation of drawings, and the procedure to be followed in making applications are fixed as follows:—

Art. I.—In the case of printed matter, the price to be paid for specifications is *sen* 2½ per copy, for the Official Journal of Patents per number *sen* 15, and for the Official Journal of Trade Marks per number *sen* 2½.

Art. II.—The fee to be paid for copies of documents is *sen* 10 per sheet containing 13 lines per page and 25 characters per line, but although the number of characters may be less than 25 it shall be reckoned as one sheet.

Art. III.—Fees for the preparation of drawings ranging from *sen* 25 to *yen* 5 per sheet will be fixed by the Director according to the labour required in their preparation.

Art. IV.—Persons wishing to purchase printed matter shall buy it from the sellers.

Art. V.—Persons requiring copies of documents or drawings, under Article XXXIII of the Patent Law, shall file an application for them. But persons applying for copies of drawings shall furnish models, specimens, rough drawings and specifications of their inventions. If however these have abready been furnished for the purpose of an examination, they need not be attached to the application.

Art. VI.—Persons requiring copies of drawings under Article XX of the Designs Regulations shall file an application stating the serial number and date of the Certificate of Registration of Design.

Art. VII.—With regard to fees, on notice from the Director of the Patent Bureau, registration stamps of the proper value shall be affixed to the form for the payment of fees; the stamps shall then be stamped with the seal of the person concerned, and the form sent to the Patent Bureau.

NOTIFICATION No. 10. OF THE DEPARTMENT OF AGRICULTURE AND COMMERCE.

Published 11*th day of the* 9*th month of the* 26*th year of Meiji* (*Sept.* 11*th* 2893).

1.—When changes are made in the entry of registration of a Trade Mark in consequence of the inheritance, sale, transfer or joint-ownership of the exclusive right of its use, five specimens of the Trade Mark the entry of registration of which has been altered shall be deposited at the Patent Bureau.

The same number of specimens shall be deposited at the Patent Bureau in cases where changes are made in the name or place of business of Companies or Associations.

2.—When a Company or Association having the exclusive right to use a Trade Mark changes its place of business or name, or when the manager of a Company or Association is changed, or the seal of a Company, or Association, or of its manager, is changed, notice shall be given in compliance with Article XXIV of the Rules for the carrying out of the Trade Marks Regulations, and a specimen of the new seal shall be furnished.

Ack
Send one copy to Treasury & the other to our Library

DIPLOMATIC
MAY 17 1897

No. 479.

INDEX BUREAU
REC'D.
MAY 17 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 23, 1897.

1 copy to Treasury. May 18. 94
V Ack. May 21, 94

Mr. Dun

to the Secretary of State.

Subject:

Foreign Trade Returns of Japan forwarded under separate cover.

No. 479.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 23, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to forward herewith two copies of the "Annual Return of the Foreign Trade of the Empire of Japan for 1896".

It will be observed that the returns show a marked decline in the value of Japanese exports to the United States, and a large increase in imports from our country, as compared with the trade of 1895.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
MAY 17 1897

No. 450.
480

Legation of the United States.

Tokyo, Japan, April 23, 1897.



Mr. Dun

to the Secretary of State.

Subject:

Acknowledging receipt of notification of the appointment of Honorable John Sherman to be Secretary of State.

No. 480

Legation of the United States.

Tokyo, Japan, April 23, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honour to acknowledge the receipt of the notification, dated the 6th. March, of your appointment by the President (by and with the advice and consent of the Senate) to be Secretary of State of the United States and that you had, that day, entered upon the duties of the office.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

File

DIPLOMATIC
MAY 17 1897

No. 457.

Legation of the United States.

Tokyo, Japan, April 23, 1897.



Mr. Dun

to the Secretary of State.

Subject:

Acknowledging receipt of President's letter in answer to one from His Majesty the Emperor of Japan.

No. 47.

Legation of the United States.

Tokyo, Japan, April 23 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge receipt of the President's letter in answer to one from His Majesty, the Emperor of Japan announcing the decease of his mother, Her Majesty, the Empress Dowager of Japan.

In accordance with your instructions, I forwarded the office copy of the President's letter to Count Okuma, H.I.J.M's Minister for Foreign Affairs, under cover of a note requesting him to inform me as to the manner in which it will be most agreeable to His Majesty to receive the original.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

482

File

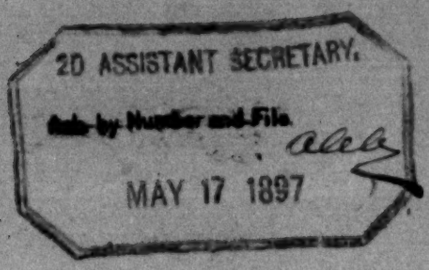
DIPLOMATIC
MAY 17 1897

No. 482.

Legation of the United States.
Tokyo, Japan, April 23, 1897.

23





Mr. Dun

to the Secretary of State.

Subject:

Cost of suitable Legation buildings on the property owned by the United States at Tokyo, Japan.

No. 482.

Legation of the United States.

Tokyo, Japan, April 23, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your communication of February 27, last, in regard to the estimated cost of official residences for our ambassadors and ministers at the capitals of the more important countries with which the United States maintain diplomatic relations, and to inform you that, in my opinion, to erect suitable Legation buildings on the property owned by the United States at this capital would involve a cost of about $75 000 gold.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

File

DIPLOMATIC
MAY 17 1897

No. 483.

Legation of the United States.

Tokyo, Japan, April 23, 1897.



Mr. Dun-

to the Secretary of State.

Subject:

Acknowledging circular instruction regarding applicants for United States passports who have applied elsewhere and been refused.

No. 453.

Legation of the United States.

Tokyo, Japan, April 23, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your circular instruction of date February 25, last, in regard to applicants for United States passports who have applied elsewhere and been refused, and enjoining especial care upon the diplomatic or consular representative to require precise and categorical answers to the inquiries which the regulations prescribe.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

File

DIPLOMATIC
MAY 17 1897

No. 454.

Legation of the United States.

Tokyo, Japan, April 23, 1897.



Mr. Dun

to the Secretary of State.

Subject:

Acknowledging receipt of copy of the circular issued by the Treasury Department admitting Japanese vessels without admeasurement.

No. 454.

Legation of the United States.

Tokyo, Japan, April 23, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's No. 395, of March 6, last, expressing satisfaction with the Japanese rules relating to the measurement of vessels, and enclosing a circular issued by the Treasury Department admitting Japanese vessels without admeasurement.

I have the honor to be,

Sir,

Your obedient servant,

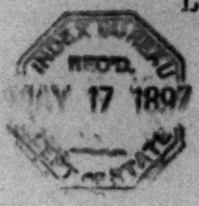
Edwin Dun

File

DIPLOMATIC
MAY 17 1897

No. 485.

Legation of the United States.



Tokyo, Japan, April 23, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Acknowledging receipt of copy of the Trade Mark Convention.

No. 185

Legation of the United States.

Tokyo, Japan, April 23, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honour to acknowledge the receipt, with your No. 399, of March 17, last, of one dozen copies of the Convention concluded with Japan January 13, 1897, for the reciprocal protection of patents, trade-marks and designs.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
MAY 28 1897
BUREAU.

No. 486.

Legation of the United States.

Tokyo, Japan, May 3, 1897.



Rcvd
To Smithsonian
May 29

Mr. Dun

to the Secretary of State.

Subject:

Enclosing copy of Tenth Annual Report of Japanese Department of Communications.

No. 456.

Legation of the United States.

Tokyo, Japan, May 3, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honour to enclose herewith copy of a note received by me from Count Okuma, H.I.J.M.'s Minister for Foreign Affairs, requesting me to transmit to the Smithsonian Institute at Washington the enclosed copy of the Tenth Annual Report of the Department of Communications.

I have the honour to request that it may be forwarded to its destination.

I have the honour to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

Count Okuma to Mr. Dun, April 26, 1897.

Copy Tenth Annual Report of Department of Communications (separate cover).

Enclosure with Mr.Dun's No. 486.

Translation.

No.16. Department of Foreign Affairs,
Tokyo, the 26th.day, the 4th. month,
the 30th.year of Meiji.

Monsieur le Ministre:

In compliance with the request of the Minister of Communications who desires to present to the Smithsonian Institution a copy of the Tenth Annual Report of the Department of Communications, I have the honour to forward the same to you and to request that you will be so good as to transmit it to the Smithsonian Institution.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed):
Count Okuma Shigenobu,
Minister for Foreign Affairs.

His Excellency
Edwin Dun,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.

File

DIPLOMATIC
JUN 7 1897
BUREAU.

INDEX BUREAU REC'D JUN 7 1897 DEPT. OF STATE

2D ASSISTANT SECRETARY.
Ack. & file.
JUN 7 1897

No. 487

Legation of the United States.

Tokyo, Japan, May 12, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Has forwarded answer from the President to a letter from His Imperial Majesty announcing death of Dowager Empress.

No. 487.

Legation of the United States.

Tokyo, Japan, May 12, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honor to inform you, that in compliance with the instruction contained in your No. 400, of date March 22, last, I forwarded to Count Okuma, H.I.J.M.'s Minister for Foreign Affairs, on the 3rd. instant, the answer from the President to a letter from His Imperial Majesty, the Emperor of Japan, announcing the death of the Empress Dowager, and to enclose copy of a note from Count Okuma acknowledging its receipt.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Count Okuma to Mr. Dun, May 6, 1897.

Enclosure with Mr.Dun's No. 487.

Translation.

No.I9. Department of Foreign Affairs,
Tokyo, the 6th.day, the 5th.month,
the 30th. year of Meiji.

Monsieur le Ministre:

I have the honor to acknowledge the receipt of Your Excellency's note No.224 of the 3rd.inst. wherein you forward to me the letter from the President of the United States in answer to one from His Imperial Majesty announcing the demise of Her Majesty, the Empress Dowager.

In reply I beg to inform Your Excellency that I have at once taken steps to have the same presented to His Majesty the Emperor.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Signed:
Count Okuma Shigenobu.
Minister for Foreign Affairs.

His Excellency
Edwin Dun,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.

(Copy).

DIPLOMATIC
JUN 10 1897
BUREAU.

INDEX BUREAU
RECD.
JUN 7 1897
DEPT. OF STATE

No. 488

Legation of the United States.

Tokyo, Japan, May 12, 1897.

Amb. dft. d.a.p. June 10.

Mr. Dun

to the Secretary of State.

Subject:

Law for Encouragement of Direct Export of Silk.

No. 488.

Legation of the United States.

Tokyo, Japan, May 12, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith translation copy of a law promulgated April 27, 1897, for the encouragement of the direct export of silk, together with a note upon this subject, addressed to me, as Doyen of the Diplomatic Corps at this capital, by the Yokohama Chamber of Commerce, and my reply thereto.

I also enclose two clippings from the "Japan Mail" of April 2, last, relating to the new law.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. Translation of Direct Export Encouragement Law.
2. Yokohama Chamber of Commerce to Mr. Dun, April 8. 1897.
3. Mr. Dun to Chamber of Commerce, April 17, 1897.
4. Two clippings "Japan Mail", April 2, 1897.

Enclosure I with Mr.Dun's No. 455.

Translation.

Law (No.48) for Encouragement of Direct Export of Silk.

Art.I.- Any mercantile company composed,members and share holders,of Japanese subjects,and Japanese subjects only,engaged in the direct export of silk to foreign countries and complying with the following conditions,shall receive money for the encouragement of the direct export of silk under the provisions of this law:-
The materials must be of Japanese manufacture.
The materials must be stamped with a registered trade-mark.
The materials must receive inspection,500 kin or more at a time,at the inspection office and pass the examination fixed by Imperial Ordinance.

Art.II.- The quality of the raw silk and the sums of money to be granted according to the purpose of this law shall be fixed by Imperial Ordinance.

Art.III.- Any person who shall receive money under the provisions of this law by fraudulent means shal be liable to a fine of not less than Yen 200 and not more than Yen 1000. He shall return the money so received,and forfeit all right to the bonus herein provided for.

Any

Any person who shall be guilty of an attempt to violate the provisions of this law, shall be prosecuted according to the law of Criminal Intent.

Art.IV.- The penalties mentioned in the preceding Article shall be inflicted upon the Business Manager or the member or members of the company responsible for the conduct of the company's affairs.

Art.V.- The detailed regulations for the enactment of this law shall be determined by the Minister of the Department of Agriculture and Commerce.

Appendix.

Art.VI.- This law shall be enforced for a period of five years from April I, I898 to March 3I, I9o3.

Received Imperial sanction April 22, I897.

Promulgated April 27, I897.

Enclosure 2 with Mr.Dun's No.488.

A.

Yokohama General Chamber of Commerce.

Yokohama, April 8, 1897.

Your Excellency:

I have the honor to hand you herewith a letter addressed to you as Doyen of the Diplomatic Corps at Tokyo by the Committee of this Chamber, and to inform you that printed copies of the same will be forwarded to all the Foreign Representatives there.

I have the honor to be,

Your Excellency's

most obedient servant,

Signed:

Akin,

Secretary.

To

His Excellency

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Tokyo.

B.

Yokohama General Chamber of Commerce.

Yokohama, April 8, 1897.

Your Excellency:

The Committee of the General Chamber of Commerce of Yokohama desire to ask the attention of Your Excellency to the Bill proposed by the Imperial Japanese Government, and passed at the last session of the Japanese Diet (but which has not yet received Imperial sanction) providing for the payment to direct Japanese exporters of Raw Silk a bounty or subsidy upon their shipments from Japan to foreign countries.

This Bill, as originally presented, allowed a bounty of:

Yen 50 per picul on silk of best colour and quality 2 deniers variation

" 30 " " " " " good colour & qual., 3 deniers variation

" 20 " " " " " fair colour and qual., 4 deniers variation

which would amount roughly to about:

6 per cent on the value of the best

4 " " " " " " good

3 " " " " " " fair.

To His Excellency

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Filature

Filature or re-ruled silks produced in this country.

The details were, however, altered in Committee by the Diet, so that the amount of the subsidy and the classification of the silk have been left to be determined by the Government Department of Agriculture and Commerce. According to Article I, the proposed Bounty is restricted to Japanese subjects engaged in the direct export of silk to foreign countries.

It is not payable to the growers and reelers of silk, who might thereby be stimulated to improve their production, (in which case no possible objection could have been taken to the measure), but gives to specially favoured Japanese exporters a benefit not available to others. The grant of this bounty will, indeed, be injurious to the producer of silk, as the bounty-favoured exporter will, by means of the subsidy which he receives, be enabled to sell his silk at lower pries than his competitors, without incurring loss, thereby inducing a decline in value on the markets abroad, which must cause a fall also in Japan to the detriment of the growers and dealers in silk here.

The Imperial Government of Japan has for many years past expressed the desire to revise its Treaties with western Powers on a footing of equality and upon principles of equity and mutual benefit; and in the new Treaty signed in 1894 between Japan and Great Britain- Art.I.- it is expressly stated that the subjects of the contracting party shall enjoy in the dominions and possessions of the other the same privileges and rights as native subjects, while Art.VII states: "The subjects of each of the contracting parties shall enjoy in the dominions and possessions of the other a perfect equality of treatment

treatment in all that relates to bounties, facilities and draw-backs.

It is true that the provisions of the new treaty do not come into force until July 1899, but it is surprising to see that while the Imperial Japanese Government is with one hand signing Treaties acording equality of treatment to Japanese and foreigners, it is with the other offering Bounties to some of its own subjects that will directly injure the silk trade of the foreign residents in this country, a trade which their enterprise has fostered and trebled in importance during the past thirty years.

It is evident that the provisions of this Bounty, proposed to be given for seven years, will be in direct conflict with the new Treaties; and the Committee of this Chamber consider that they are also contrary to the spirit of the previous treaties between Japan and Foreign Powers.

The preamble to the Japanese Austro-Hungarian Treaty of 1869 expresses the desire of Their Majesties, the Sovereigns of those countries, to facilitate the commercial intercourse between their respective subjects, and Art. VIII states that at each of the open ports Austro-Hungarian citizens shall be at full liberty to purchase therein and export to their own or any other ports, all manner of merchandise, not contraband, paying the duties thereon as laid down in the Tariff, and no other charges whatsoever.

In the form in which the Bill has passed the Diet it will be obvious to Your Excellency that it is open to the Japanese Government to determine the amount of subsidy

and

and the standard of quality in such a manner as might effectually render competition impossible on the part of foreign firms engaged in the silk export trade, and that the full liberty provided for in the Treaty will no longer exist, and commercial intercourse will be impeded instead of being facilitated as called for.

The Committee of this Chamber venture to hope that Your Excellency will bring this question which greatly affects a trade valued at some four millions Pounds Sterling per annum, before your colleagues, in the hope that concerted action on the part of the foreign representatives in Tokyo may result in the Imperial sanction being withheld from a measure, which would be unfair and injurious to the foreign merchants so long established in Japan, while being of no real benefit to the silk trade in other directions.

I have the honor to be

Your Excellency's

most obedient servant,

Signed:

W.B.Walter.

Chairman.

Enclosure 3 with Mr.Dun's No.488.

Legation of the United States.

Tokyo,Japan,April 17,1897.

W.B.Walter,Esquire,

Chairman of the Committee of the

Yokohama General Chamber of Commerce.

Sir:

Referring to your communication of date the 8th. instant,relative to the Bill lately passed by the Japanese Diet,providing for the payment of a bounty to the Japanese exporters of raw silk,which you addressed to me as Doyen of the Diplomatic corps,I beg to state that the Foreign Representatives do not consider that it would be expedient,under existing treaties,for them,as a body, to make any representation whatever to His Imperial Japanese Majesty's Government in the matter.

I am,Sir,

Your obedient servant,

Signed:

Edwin Dun.

Enclosure No. 4 with Mr. Ellis's No. 488.

The Direct Export Encouragement Law has evidently produced a very bad impression on the foreign merchants in Yokohama, as indeed, was inevitable. If the Government aimed uniquely at improving the quality of Japanese silk, the proposed bounties should be given to the producer, not to the exporter. Of course, it is very well understood that a great part of the purpose of the Bill is to put an end to the present system of entrusting silk, before sale, to the foreign local merchant, who takes it into his godown and employs his own experts to inspect it there. Such a system presents many objectionable features from the Japanese point of view, and the fact that it owes its origin to the untrustworthiness of the native sericulturist or middle-man, enhances, rather than diminishes, its irksomeness. But here is this indisputable fact to be considered, namely, that not the slightest chance exists at present of getting foreign manufacturers to buy Japanese silk unless it has been previously inspected and passed by foreign experts. When the Government offers a bounty to direct exporters, it does not assist the Japanese merchant to find a route by which his silk may reach Western buyers without the intervention of foreign agents or foreign inspecting experts; it merely devotes some hundreds of thousands of public money to transfer the place of inspection from Yokohama or Kobe to New York or Lyons. There are three Japanese firms now engaged in the business of direct export, and not one of them can get foreign manufacturers to buy a bale of silk until it has undergone foreign inspection. Will foreign manufacturers be more disposed to forego inspection because the Japanese exporter receives a bounty from the Government? The original idea was that they would. The original idea, so far as we can understand, was that since a bounty could not be obtained except by silk of very high quality, the fact that a bounty had been obtained would be in itself a guarantee of quality. In short, the Government proposed to put its *cachet* upon silk for direct export, hoping that, by such a method, foreign manufacturers might be disposed to accept Japanese inspection as conclusive, and thus the trustworthiness of the Japanese sericulturist and the competence of the Japanese inspecting expert would ultimately be established. Considered in that light, the Law will be seen to be, not a deliberate means of discrimating against the local foreign merchant, but a plan for raising the status of the Japanese silk grower and silk-inspector in Western markets. With such a motive the local foreign merchant himself will sympathise, but he can not be expected to forget that, in practice, the new Law discriminates most injuriously against him, since it offers a premium for his exclusion from the silk trade; nor can he be expected to appraise the projected programme by any standards except those of hard commonsense, which tells him that, whether the inspection on this side of the water be official or private, it will not satisfy foreign buyers so long as it is Japanese. The Government, we repeat, will simply find itself paying to have the foreign inspection done in New York or Lyons, instead of in Yokohama or Kobe, and if that be a proper object to compass by a large expenditure of public money, we are wholly unable to detect the propriety. Everything that really tends to promote the development of Japanese commerce has, at all times, the hearty support of intelligent foreigners, even though some local sacrifice be entailed. But this direct-export Law is a mistake, a most unquestionable mistake, and while we are very fully persuaded that the officials of the Department from which the Bill emamated do not entertain any shadow of desire to discriminate against the local foreign merchant, we can not acquit them of having framed a measure that will so discriminate, and that will not conduce in any degree to the improvement of Japanese sericulture or the establishment of Japanese credit. For the rest, although nobody wants to obtrude sentiment into a purely practical matter, we venture to suggest to Japanese legislators the patent fact that they are going to work in altogether the wrong way when they endeavour to win the confidence of manufacturing and commercial firms in Europe and America by harsh and unwholesome discrimination against the long-trusted and zealous agents of those firms in Yokohama and Kobe. The impression produced abroad by this Law will be of a nature to militate strongly against the very end that its framers have in view.

DIPLOMATIC
MAY 15 1897
BUREAU.

LEGATION OF THE UNITED STATES TO JAPAN,

Washington, May 15, 1897.

RECEIVED
MAY 15 1897
DEPARTMENT OF STATE

Acknd 10417

20 ASSISTANT SECRETARY.
Extend time for departure four days, without pay.
MAY 15 1897

Honorable John Sherman,

Secretary of State.

Sir:

My instruction period of thirty days from April 17 to May 16, 1897, inclusive, will expire on the latter date. I find it impossible to leave on that date, however, and ask your indulgence until May 20th when I propose to depart from Washington to take the steamer sailing from San Francisco May 29, for my post.

I have the honor to be, Sir,

Your obedient servant,

A E Buck

3rd. ASST. SECRETARY.
MAY 18 1897

TRADE BUREAU
RECD.
MAY 18 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES TO JAPAN,

Washington, May 18th 1897.

Rec'd May 18

n. John Sherman,

Secretary of State,

Sir:

Finding that it will be impossible, by reason of sick-
ss, to leave for my post on the 20th of May, as I had anticipated, and
d to which date I have asked and received your indulgence, I respect-
lly request further indulgence until May 24th, when I expect to de-
rt from Washington to take steamer, sailing from SanFrancisco,
ne 8th.

I have the honor to be, Sir,

Your obedient servant,

Alfred E. Buck

File

2D ASSISTANT SECRETARY.
Ack & file. aad
JUN 14 1897

DIPLOMATIC
JUN 14 1897
BUREAU.

No. 489.

RECD. JUN 14 1897 DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, May 20, 1897.

20

Mr. Dun

to the Secretary of State.

Subject:

Letter of recall received.

No. 489.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, May 20, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Ihave the honor to acknowledge the receipt of your instruction No. 406 of the 21st ultimo, enclosing a letter from the President recalling me as Envoy Extraordinary and Minister Plenipotentiary of the United States to Japan, with an office copy thereof.

As requested by the Department, I shall defer the presentation of these letters until the arrival of my successor.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

2D ASSISTANT SECRETARY.
To Treasury Dept.
JUN 14 1897

DIPLOMATIC
JUN 14 1897
BUREAU.

No. 490.

INDEXED
RECD.
JUN 14 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, May 20, 1897.

To Treasury June 16

Mr. Dun

to the Secretary of State,

Subject:

Mr. Dun's departure. Customs courtesies at San Francisco requested.

No. 490.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, May 20, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

In view of my recall as Minister to Japan, I have decided to sail from Yokohama for Americaon June 29th, by the S. S. "Doric", scheduled to arrive at San Francisco on or about the 13th of July: and I have the honor to request that the customs authorities at San Francisco may be instructed to pass free of duty and without examination such trunks and boxes, containing my personal effects, as I may bring with me on my return home.

I may add, in this connection, that the date of my departure from Japan has been decided upon subject to the arrival of my successor prior to June 29th.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

2D ASSISTANT SECRETARY.
To Treasury Dept.
When granted, inform Austrian Legation here.
JUN 15 1897
Ack to Mr. Buck.

DEPT. OF STATE
JUN 15, 11.55 AM 1897
CHF. CLKS. OFFICE
RECEIVED

No. 491.

LEGATION OF THE UNITED STATES,

INDEX BUREAU
RECD.
JUN 15 1897
DEPT. of STATE

Tokyo, Japan, May 24, 1897.

√ To Treasury June 15
√ To Austro-Hung. Min. June 21

Mr. Dun

to the Secretary of State.

Subject:

Customs courtesies requested for Austrian Minister to Japan.

No. 491.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, May 24, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that Count von Wydenbruck, the Austrian Minister at this capital, is shortly leaving for home, on a leave of absence, and will pass, en route, through the United States.

He expects to arrive at San Francisco, by the S. S. "Gaelic", on June 27th; and I have the honor to request that the customs authorities at that port may be instructed to extend to him the usual courtesies granted to diplomatic officers passing through the United States.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC
JUN 21 1897
FILED.

Fw

2D ASSISTANT SECRETARY.
Ack & file. aaa
JUN 21 1897

No. 492.

INDEX BUREAU
RECD.
JUN 21 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokio, Japan, May 30, 1897.

Mr. Dun,

to the Secretary of State.

Subject:

Confirming telegram of May 30, 1897.

No. 492.

LEGATION OF THE UNITED STATES,

Tokio, Japan, May 30, 1897.

Honorable John Sherman,

Secretary of State,

Washington, D. C.-

Sir:

I have the honor to enclose herewith reading of a telegram sent to-day relative to the accomodation for American seal commissioners to the Behring Sea.

I have the honor to be,

Sir,

Your obedient servant.

Edwin Dun

Enclosure:

Copy of telegram, Mr. Dun to the Secretary of State, of date May 30, 1897.

Enclosure with Mr. Dun's No. 492

Reading of telegram, Mr. Dun to the Secretary of State, May 30, 1897.

Tokio, Japan, May 30, 1897.

Sherman, Washington.-

May thirtieth. British Admiral has prepared accomodation to Behring Sea for American seal commissioners. Are they coming Yokohama? British representatives here.

DUN.

DIPLOMATIC

JUN 1 1897

~~BUREAU.~~

Legation of the United States

Tokyo, May 31, 1897

Repeat to Secy of Treasury.

June 1. 1897 ack

To Treasury June 2. 1897 AM

Dept. June 3

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

ALL CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, and are subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

3rd. ASST. SECRETARY JUN 2 1897

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
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1 25 3p

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
43	wr	cr	20	Govt Tokio

RECEIVED at ____ may 31st 1897

Sherman — washn

May thirty first British Admiral has prepared accommodation to behring sea for American seal commissioners are they coming yokohoma british representatives here

Dunn

2D ASSISTANT SECRETARY.
Copy to Senate Committee on Finance for its information - Ack't file. JUN 21 1897

DIPLOMATIC
JUN 21 1897
BUREAU.

No. 492.

INDEX BUREAU
REC'D.
JUN 21 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, May 31, 1897.

To Senate Finance Com. June 22

Mr. Dun

to the Secretary of State.

Subject:

Memorial of Tokyo Chamber of Commerce on Proposed New American Tariff.

No. 493.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, May 31, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith a translation copy of a memorial addressed to H. I. J. M's. Minister for Foreign Affairs by the Tokyo Chamber of Commerce, upon the subject of the new tariff bill now before the United States Senate, which, at my request, has been sent to me by Mr. E. Shibusawa, President of the Chamber of Commerce, who had previously called upon me to explain the nature of the memorial.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Translation copy of memorial.

Enclosure with Mr. Dun's No. 493.

Copy of Memorial Respecting the United States Import Tariff Revision , sent by the Tokyo Chamber of Commerce to His Excellency, Count Okuma .-

In accordance with a resolution passed by the Tokyo Chamber of Commerce, the undersigned has the honor to present to Your Excellency the following memorial:-

The most important position in our foreign trade is held by the United States of America; and yet with the object of imposing heavy duties upon silk goods and handkerchiefs, mattings, and carpetings, which are among our chief articles of export, that country has drafted a Tariff Revision Bill which has already passed its House of Representatives and is now under discussion in its Senate. Should this Bill unfortunately come into operation, the effect upon our principal articles of export to America would be the same as if prohibitive duties had been imposed upon them, and the trade between Japan and America which has been gradually developing for many years past, would suddenly be brought to a standstill.

The effects of the United States Tariff revision would certainly be felt by all the nations having commercial relations with that country; but in regard to silk manufactures, for instance, while the proposed rate of duties upon superior goods, like the French, is no doubt high, it is only upon articles of light texture like habutae and kaiki , which may be considered the peculiar products of this country, that the duties fall most heavily. Such a consequence cannot but give

rise

rise to a suspicion that the object of the projected Tariff revision is especially to prohibit the importation of our manufactured goods. This suspicion is strengthened when we see that it is intended to impose heavy duties not only upon manufactured silk but also upon all other commodities peculiar to our country. Bearing in mind that Japan has always felt a lively gratitude for the good-will shown by America in prevailing on her to open the country , and has entertained during the intervening forty years a high esteem for her as a friendly neighbor, we are really at a loss to perceive what has induced her to take this sudden action.

It may be that the apprehension harbored by a section of the American people with respect to the competition of our manufactures is the principal cause of the present action; but such apprehension must be pronounced extraordinary, being based, as it is, upon a complete misconception of the true state of our national industries;for our present chief exports to America are mostly articles whose manufacture or production is peculiar to our country and include very few commodities that can be regarded as competitive articles. And the effect of the imposition of heavy duties upon our chief exports would be , it is very clear , not only to injure their sale, but also to compel the American people to pay high prices to satisfy their natural wants; and thus to entail in the end suffering upon both nations. We cannot think for a moment that a nation possessed of men of such high commercial ability as the Americans is blind to these patent facts, but we are inclined to believe that the present action arose solely from a

a temporary misapprehension.

Though in the trade between Japan and America, there has always been, it is true, an excess of Japanese exports over American imports, yet kerosene, for instance, is chiefly imported from the United States and indeed, until lately, was almost exclusively of American origin. Ginned cotton is also very largely imported from America. And so great has been our desire to show our good-will towards that country that we have sincerely endeavored to maintain a balance of trade between the two countries by giving her large orders, such as those for rails and war-ships. When we find, then, that not withstanding these expressions of goodwill on our part, America actually proposes to prohibit the importation of our manufactured goods, the whole nation could not but be astonished at such unexpected action.

Possessing, as she does, so many clear sighted men, we cannot believe that America will allow the new Bill to become law; but in view of the direct bearing of that measure upon our national interests, this Chamber of Commerce strongly urges the Government to give that country a definite, friendly warning so that the scheme may be wholly abandoned. If unfortunately an exhorbitant Tariff should perforce, in disregard of our goodwill , be imposed upon our exports, our national feeling would , it is certain, be seriously injured and trade between the two countries lose its smooth character. The State should then be free, as a last measure of self-protection, to impose defensive duties on American goods. This

Chamber

a temporary misapprehension.

Though in the trade between Japan and America, there has always been, it is true, an excess of Japanese exports over American imports, yet kerosene, for instance, is chiefly imported from the United States and indeed, until lately, was almost exclusively of American origin. Ginned cotton is also very largely imported from America. And so great has been our desire to show our good-will towards that country that we have sincerely endeavored to maintain a balance of trade between the two countries by giving her large orders, such as those for rails and war-ships. When we find, then, that not withstanding these expressions of goodwill on our part, America actually proposes to prohibit the importation of our manufactured goods, the whole nation could not but be astonished at such unexpected action.

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Chamber

Chamber , therefore, earnestly hopes that the Government will take a final decision in the above line.

(Signed) SHIBUSAWA EIICHI

President Tokyo Chamber

of Commerce.

To/

H. E. Count Okuma Shigenobu,

Minister of State for Agriculture and Commerce,

and for Foreign Affairs.

Tokyo, May 22nd, 1897.

DIPLOMATIC
JUL 6 1897
BUREAU.

No. 494.

LEGATION OF THE UNITED STATES,

Tokio, Japan, June 9, 1897.

INDEX BUREAU
RECD.
JUL 3 1897
DEPT. OF STATE

Mr. Dun,

to the Secretary of State.

Subject:

Confirming telegram received June 2, 1897.

No. 494.

LEGATION OF THE UNITED STATES,

Tokio, Japan, June 9, 1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C..

Sir:

I have the honor to append on the overleaf a copy of your telegram of the 2nd instant, informing me that the American Seal Commission goes direct from San Francisco .

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Reading of telegram from the Secretary of State to Mr. Dun, of date June 2, I897.-

Washington, June 2nd, I897.

Dun, Tokio.

American Seal Commission goes direct from San Francisco.

Courteous British offer appreciated .

SHERMAN.

DEPT. OF STATE
JUN 21 1.44 PM 1897
CHF. CLKS. OFFICE
RECEIVED

TELEGRAM RECEIVED. Cipher

2D ASSISTANT SECRETARY
Ans: Telegram June 25- Confirm by mail, sending copy of note of 25th to Japanese Minister-
JUN 25 1897

From Tokyo Conf. June 26.

June 21, 1897.

Sherman Received 12:35 P.M.

Washington.

June 21. Japanese Minister for Foreign affairs has requested me, in view of the importance of the question, to telegraph the following: The Imperial Government have learned with surprise of the signature at Washington on the sixteenth instant of a treaty providing for the annexation of Hawaii to the United States; they view with greave concern and serious objection the new order of things contemplated by that treaty since they are convinced that a realization of the project of annexation would render imminent a disturbance of the general Status quo in the Pacific, would endanger the actual and important treaty rights of Japan in Hawaii and would complicate the settlement of questions now pending between Japan and Hawaii which have arisen under the treaty existing between those two governments. The Imperial Government are not aware whether the mischievous reports and rumors as to the attitude of Japan towards Hawaii, which have been industriously

TELEGRAM RECEIVED.

From _____

_____, 189 .

_____ Received _____ M.

_____

_____

nstriously circulated in the United States have
rcised any influence upon the action of the govern-
nt of the United States but in any event they
sh emphatically and categorically to deny that they
ve ever at any time entertained any designs
hatever against the integrity and sovereignty of
Hawaii.

Dun.

2D ASSISTANT SECRETARY,
Ackd Jy 21
JUL 21 1897

DIPLOMATIC
JUL 22 1897
BUREAU.

No. 495.

INDEXED
RECD.
JUL 17 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokio, Japan, June 28, 1897.

Mr. Dun,

to the Secretary of State.

Subject:

Enclosing copy of Verbal Note from Count Okuma to Mr. Dun, of date June 21, 1897, relative to the annexation treaty between the United States and Hawaii.

No. 495

LEGATION OF THE UNITED STATES,
Tokio, Japan, June 28, 1897.

Honorable John Sherman,
Secretary of State,
Washington, D.C.-

Sir:

I have the honor to enclose herewith a copy of a Verbal Note in regard to the treaty of annexation recently concluded between the Government of the United States and that of Hawaii, which Count Okuma, H.I.J.M's. Minister for Foreign Affairs handed to me on the 21st instant. At Count Okuma's request and in view of the importance of the communication I telegraphed to you the entire note, with the exception of the last paragraph, on the day it was handed to me.

The announcement of the conclusion of the treaty caused much surprise and considerable excitement in Japan. The vernacular press, while moderate in tone, very generally condemns the action of the United States as precipitate, ill advised, and wanting in consideration of Japan's interests in Hawaii, and in that friendly frankness which has always heretofore governed the relations between the two Governments. The sentiment generally expressed is one of surprised regret rather than anger.

The opposition papers have taken advantage of the opportunity to attack Count Okuma and to embarrass the

Government

Government. With them the annexation treaty is seized upon as a political weapon to be used in Japan, rather than on account of a feeling of hostility in regard to the action of the United States. The position of this Government in regard to the treaty is already well known to you. It is clearly set forth in Count Okuma's Verbal Note.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Copy of Verbal Note, Count Okuma to Mr. Dun, of date June 21, 1897.

Enclosure with Mr. Dun's No. 495

Copy of Verbal Note, Count Okuma to Mr. Dun, of date June 21, 1897.

" The Imperial Government have learned with surprise , of the " signature at Washington on the sixteenth instant, of a " Treaty providing for the annexation of Hawaii to the " United States. They view with grave concern and serious " objection the new order of things contemplated by that " Treaty; since they are convinced that a realization of the " project of annexation would render imminent a disturbance " of the general status quo in the Pacific; would endanger " the actual and important treaty rights of Japan in Hawaii; " and would complicate the settlement of questions now pending " between Japan and Hawaii, which have arisen under the treaty " existing between those two Governments.

" The Imperial Government are not aware whether the mis- " chievous reports and rumors, as to Japan' s attitude towards " Hawaii which have been industriously circulated in the " United States, have exercised any influence upon the " Government of the United States; but in any event they wish " emphatically and categorically to deny that they have ever, " at any time, entertained any designs whatever against the " integrity or sovereignty of Hawaii.

" The question of the status of Hawaii is of such high " importance to Japan that His Imperial Japanese Majesty's

Minister

4

" Minister for Foreign Affairs is constrained to ask His
" Excellency, the United States Minister, to advise his
" Government by wire of the views of the Imperial Government."

The Gwaimusho (Foreign Office)

June 2Ist, I897.

File

2D ASSISTANT SECRETARY,
Ackd + file aaa
JUL 17 1897

DIPLOMATIC
JUL 19 1897
BUREAU.

No. 496.

LEGATION OF THE UNITED STATES,

Tokio, Japan, June 28, 1897.

INDEXED
RECD.
JUL 17 1897
DEPT. OF STATE

Mr. Dun,

to the Secretary of State.

Subject:

Acknowledging the receipt of telegram of 25th instant.

No. 496

LEGATION OF THE UNITED STATES,

Tokio, Japan, June 28, 1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge the receipt of your telegram of the 25th instant, in reply to my telegram of the 21st instant, sent at the request of the Imperial Japanese Government, and setting forth their views regarding the treaty of annexation between the Governments of the United States and Hawaii.

Immediately upon the receipt of the telegram a copy was transmitted by me to His Excellency, Count Okuma, H.I.J.M's Minister for Foreign Affairs, accompanied by an official note.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

File.

2D ASSISTANT SECRETARY,
Ack & file. aaa
JUL 17 1897

DIPLOMATIC
JUL 17 1897
BUREAU.

No. 497

LEGATION OF THE UNITED STATES,

Tokio, Japan, June 28, 1897.

INDEX BUREAU
RECD.
JUL 17 1897
DEPT. OF STATE.

Mr. Dun,

to the Secretary of State..

SUBJECT:

Confirming telegrams of June 21, and June 25, 1897.

No. 497

LEGATION OF THE UNITED STATES,

Tokio, Japan, June 28, 1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith copies of the readings of telegrams as follows:

(1) From Mr. Dun to the Secretary of State, of date June 21, 1897.

(2) From the Secretary of State to Mr. Dun, of date June 25, 1897.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

Readings of two telegrams as above.

Enclosure No. 1 with Mr. Dun's No. 497

Reading of telegram from Mr. Dun to the Secretary of State, of date June 21, 1897.

Tokio, Japan, June 21, 1897

Sherman, Washington.

June 21. Japanese Minister for Foreign Affairs has requested me in view of the importance of the question to telegraph the following:

" The Imperial Government have learned with surprise of the " signature at Washington on the sixteenth instant of a treaty " providing for the annexation of Hawaii to the United States. " They view with grave concern and serious objection the new " order of things contemplated by that treaty since they are " convinced that a realization of the project of annexation " would render imminent a disturbance of the general status " quo in the Pacific; would endanger the actual and important " treaty rights of Japan in Hawaii; and would complicate the " settlement of questions now pending between Japan and " Hawaii which have arisen under the treaty existing between " those two Governments. The Imperial Government are not " aware of whether the mischievous reports and rumors as to " the attitude of Japan towards Hawaii which have been " industriously circulated in the United States have exercised " any influence upon the action of the Government of the " United States, but in any event they wish emphatically and " categorically to deny that they have ever at any time

entertained

" entertained any designs whatever against the integrity or " sovereignty of Hawaii. "

DUN.

Enclosure No. 2 with Mr. Dun's No. 497.

Reading of telegram from the Secretary of State to Mr. Dun, of date June 25, 1897.

Washington, June 25, 1897.

Dun, Minister, Tokio.

Your telegram of the twenty-first received. Similar representations more fully made by the Minister from Japan on the nineteenth instant have been answered to-day to the effect that the Government of the United States does not intend or admit that annexation will disturb any general interests under the status quo or that the extinction of the Hawaiian treaties, under recognized doctrine of international law, by the cessation of Hawaii's independent existence, can prejudice any vested alien rights in Hawaiian territory which might be ascertained to have accrued before such extinction. Mischievous reports of Japan's supposed designs upon Hawaii were not credited here and needed no denial. The Government of the United States has perfect confidence in the frank and friendly disposition of Japan and nothing has occurred to alter the situation in the Pacific since Japan acquiesced in the annexation negotiated four years ago.

SHERMAN.

DIPLOMATIC
NOV 29 1897
BUREAU.

No: 498.

JUL 30 1897
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 1, 1897.

Rec'd (Solicitor's dept.) Nov. 3rd

Mr. Dun

to the Secretary of State.

Subject:

Lake Property at Nagasaki.

2D ASSISTANT SECRETARY,

NOV 11 1897

Dear VanDyne:

Mr. Olney came in for a minute and I could not get this Lake matter up. Since then it has lain on my desk. I think it but fair to Japan that the Jap. reply should be either admitted, or controverted if we have grounds therefor.

A. A. G.

2D ASSISTANT SECRETARY,

AUG 4 1897

Mr. VanDyne:

I share your views.

An entry to Mr. Buck is now in order, not long, but very carefully phrased from the legal point of view. Can you kindly try your amanuensis's hand at it?

Adee

SOLICITOR'S
AUG 4 1897
OFFICE

Mr. Adee:

I understand that Mr. Quin is now on his way back to the United States. If he is likely to come to the Dept., it seems to me that it

would be well to
hold this matter
up and get his
views - At any
rate, I suggest
this course for
your consideration

V.

No. 498.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 1, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Referring to Mr. Olney's instruction No. 368, of date October 30, 1896, in regard to the Lake property at Nagasaki, I have the honor to enclose herewith a copy of a note from Count Okuma, H. I. J. M's. Minister for Foreign Affairs, of date June 30, 1897, addressed to me, in response to a note enclosing a copy of Mr. Olney's instruction referred to above, which I addressed to him on the 14th of December last.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Count Okuma to Mr. Dun, June 30, 1897.

SOLICITOR'S
AUG 3 1897
OFFICE

Mr. Adee:

Count Okuma's note, which was undoubtedly prepared by an American lawyer, is a "corker". I can discover no vulnerable spot in it. It is, in my judgment unanswerable.

Minister Dun, who is thoroughly familiar with this matter, and has heretofore fully met the Japanese arguments, seems to have been silenced by it.

The controlling fact in the case is, that a Japanese subject is in possession of the lot--whether in pursuance of the rightful or the wrongful action of our Consul, is immaterial. He has been in possession for nearly three years.

It is a fact, as Count Okuma states, that Lake was dispossessed and ~~that~~ Kozone placed in possession, solely by the action of the United States Consul.

It is also true that this took place in September or October, 1894, and that the Japanese Government had no notice that the Consul's action had been disavowed or declared ultra vires by this government, until January 5, 1895.

Take a case analogous to this in the United States. Suppose a Japanese subject, living here, is, by the act of a court or magistrate having no jurisdiction dispossed of land occupied by him under a lease, and an American put in possession; how could the rights of the Japanese subject be established? By an action of ejectment in the court having jurisdiction. I perceive no other way in which Lake's rights can be established in this case. And, under our peculiar system of extraterritorial jurisdiction in Japan, such suit would necessarily have to be brought in the Japanese courts. I see no way in which the matter could now be brought before our Consular Court.

If things were reversed, and Kozone had been occupying land under a lease from Lake, and had been, by a decree of the Japanese courts dispossessed, and Lake placed in possession, we would insist that any action looking to the dispossession of Lake should be brought in our Consular Court.

I think there is no escaping the conclusions stated in Count Okuma's note. The Japanese government should be given to understand that this government would expect that the case would be tried in the Japanese Courts on its merits alone, and not with the idea of reviewing the action of the United States Consul.

V.

Enclosure with Mr. Dun's No. 498.

Copy of Note from Count Okuma to Mr. Dun, of date June 30, 1897.

His Excellency,

Edwin Dun,

etc., etc., etc.

Sir:-

I had the honor to receive Your Excellency's Note of December 14, last, covering the copy of a communication to you from the late Secretary of State in reference to the Lake question at Nagasaki.

The demand of the Secretary of State, coupled as it is with a refusal to continue to discuss the points at issue, leaves nothing to be desired in the matter of explicitness, and if it could not be shown that Mr. Lake's complaint rests in some, at least, of its essential features, upon serious misapprehensions, I should naturally hesitate to pursue the subject. Indeed, I will go further and say, that if the circumstances of the case were as the United States conceive them to be, the Imperial Government would never have contested the claim.

The important points in respect of which I venture to think the United States labor under an erroneous impression are: 1st, that the Imperial Government dispossessed Mr. Lake of the property in question; 2d, that they did so, well knowing that the action of the United States Consul in cancelling Mr. Lake's lease had been disavowed and declared invalid by his Government; and 3d, that they dispossed Mr.

Lake well knowing that the usual proceedure had not been followed.

Respecting the first of those points I wish to say that the Lot in question was surrendered solely and exclusively in pursuance of an order issued by the United States Consul at Nagasaki. That order was addressed to Mr. Edward Lake, who was, at the time, in occupation of the Lot, and it recited the penalties to which Mr. Lake would render himself liable in case he did not vacate the premises. Mr. Lake acknowledged the receipt of the order and surrendered the property, whereupon the owner of the land immediately entered into quiet and undisturbed possession.

It will thus be seen that the act of dispossession was not the act of the Imperial Government or of any person acting under their authority. The steps taken by them in this case was, as is usual in such cases, limited to representations addressed on behalf of the owner of the property, to the Consul having authority in the matter.

As to the second point, I am anxious that Your Excellency's Government should understand that, even if the Imperial Government had actually dispossessed Mr: Lake, the sequence of events would, at once and finally, exclude the idea that they could have done so , with the knowledge that the action of the Consul was condemned by his Government .

The Consular order above referred to was issued in October, 1894, and the premises in question were vacated by Mr. Lake, during the same month.

The

The first intimation received by the Imperial Government that the action of Mr. Abercrombie might not meet the approval of his Government was contained in Your Excellency's Note of January 5, 1895. You then declared that the action of the Consul was ultra vires.

The allegation that the Imperial Government had knowingly taken advantage of unusual procedure on the part of the Consul, to dispossess Mr. Lake of his property, would seem to be fully met by the fact that the act of dispossession was not their act. But in view of the circumstance that the accusation was advanced notwithstanding the statement contained in my predecessor's Note to Ypur Excellency of the Ist of the 3d month of the 28th year of Meiji(1895) to the effect that the Governor of Nagasaki had no "cause to doubt the regularity " of the procedure" ,I need offer no apology for dwelling on the subject.

As Your Excellency is well aware, no less than 14 Powers now have jurisdiction in Japan in virtue of treaty stipulations. Not only does each of those Powers possess its own distinctive system of procedure, but, owing chiefly, no doubt to the fact that many of the officers who exercise such jurisdiction are not trained lawyers, uniformity in the matter of procedure, even within the same system, is not always maintained. In this situation it is not to be expected that Japanese Authorities should, in all cases, be able to determine solely by themselves the exact course of procedure to be followed. The Japanese Authorities, therefore, in invoking

the

the aid of foreign Consular officers, aim at nothing more than a compliance with the actual requirements of such officers.

In the case under discussion the usual course was pursued. The Japanese Authorities, insteadof doubting the sufficiency of the initial steps taken by them, had reason to think that in asking the United States Consul to enforce the penalty named in Mr. Lake's lease, they were, if anything, going beyond actual requirements, since the United States Consul General at Yokohama, whose legal attainments are recognized, gave it as his opinion, in reply to Mr. Abercrombie's enquiry, that the lease in question became null and void without any action on the part of the United States Consul at Nagasaki.

The jurisdiction established by Japan's Treaties, which are now in force, follows in all acases the nationality of the defendant and for the purposes of such jurisdiction property is impressed with the nationality of its actual possessor. It is not necessary to decide whether, under all the circumstances of the case, action on the part of the United States Consul was essential to a legal termination of Mr. Lake's leasehold estate. But it is beyond question that , having in view Mr. Lake's nationality, the United States Consul was alone competent to dispossess him of the property.

By the sole, separate and independent action of the United States Consul, Mr. Kozone was put in possessinn of the land and he still continues in actual possession. He is a Japanese subject and the land in question is now impressed with his nationality. The Tribunals of his own country,

therefore, are alone competent to dispossess him. Action in the United States Consular Court, at this time, would, I am fully persuaded, be as futile as would have been an action of ejectment against Mr. Lake in a Japanese Court, while he was still in actual possession of the Lot, because the writ of the United SStates Consular Court would be as useless, in the one case, as would have been the process of the Japanese Court in the other.

If the United States are still of the opinion that a purely judicial solution of the points at issue is desirable the Imperial Government will oppose no objection in principle. But they feel confident that the United States will, upon a further consideration of the question, agree with them that in the existing situation, the jurisdiction in the matter rests exclusively with Japanese tribunals.

I avail myself etc., etc.

(Signed) Count OKUMA SHIGENOBU,

Minister for Foreign Affairs.

Acka 8/4/97

DIPLOMATIC
JUL 31 1897
BUREAU

No: 499.

INDEX BUREAU
RECD.
JUL 30 1897

2D ASSISTANT SECRETARY,
Ach & file.
JUL 30 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 5, 1897.

Mr. Dun

to the Secretary of State.

Subject:

Mr. Dun presents his letter of recall.

No. 499.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 5, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that, acting upon your instruction No. 406 of April 21, 1897, on the 2nd instant, I proceeded to Kyoto, where the Emperor has been sojourning for the last three months: and, on the 3rd instant, at an audience obtained for that purpose, presented to the Emperor my letter of recall, and took formal leave of Their Majesties the Emperor and Empress.

I enclose herewith a copy of my remarks to the Emperor on the occasion.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Copy of Mr. Dun's remarks to the Emperor.

Enclosure with Mr. Dun's No. 499.
(COPY)

Your Imperial Majesty:-

The President having seen fit to recall me from my residence near to the Court of Your Majesty, I am directed to convey to Your Majesty the assurances of his sincere desire to strengthen the friendly feeling now happily subsisting between Japan and the United States.

In taking leave of Your Majesty I beg leave to express my grateful thanks for the kindness with which Your Majesty has always been pleased to receive me and for the marks of consideration with which Your Majesty has on many occasions condescended to honor me. I also beg leave to express to Your Majesty my highest appreciation of and grateful thanks for the cordial courtesy and consideration which I have always received from the members of Your Majesty's Government and for the innumerable acts of kindness with which they have favored me.

I venture to express the hope and belief that Your Majesty will be pleased to extend to my successor the same gracious consideration that I have had the honor to receive while residing near Your Majesty's Court.

I now have the honor of presenting to Your Majesty the letter from the President recalling me from my post as Envoy Extraordinary and Minister Plenipotentiary near the Court of Your Majesty.

DIPLOMATIC
JUL 31 1897
BUREAU

2D ASSISTANT SECRETARY,
Ack by subject & file
JUL 30 1897

No. /

JUL 30 1897

Ackd 8/4/97

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Mr. Buck to

the Secretary of State.

Subject:

Mr. Buck arrives at his post and presents his letter of credence.

No? / .

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you of my arrival at my post on Monday, June 28th. On the same day I addressed a note to Count Okuma, H. I. J. M's. Minister for Foreign Affairs, enclosing an office copy of my credentials, requesting an audience with the Emperor of Japan for the purpose of presenting to him my letter of credence and soliciting, as soon as convenient, a personal interview with Count Okuma.

On the 30th ultimo, I, in company with Mr. Dun, my predecessor, was received by Count Okuma at the Foreign Office and informed by him that, owing to the fact that the Emperor was making an extended stay at Kyoto, it would be necessary to proceed to that city for the audience which was afterwards arranged for July 3rd.

On the 2nd instant, in company with Mr. Dun, I proceeded to Kyotoand, on the following day was received by the Emperor to whom I presented my letter of credence , making upon the occasion a short address, copy of which I have the honor to enclose herewith. Immediately after my audience with the Emperor, I had the honor of being

received by

received by the Empress.

Owing to the absence of the Emperor from Tokyo, I have not yet been able to obtain a copy of the Emperor's remarks to me on the occasion of presenting my credentials, but hope to be able to forward the same at an early date.

I have the honor to be,

Sir,

Your obedient servant,

E. L. Buck

Enclosure:

Copy of Mr. Buck's remarks to the Emperor.

Enclosure with Mr. Buck's No. 1.

(COPY.)

As Envoy Extraordinary and Minister Plenipotentiary of the United States of America, I have the honor to present to Your Imperial Majesty my letter of credence.

In the discharge of this very pleasing duty, I beg to assure Your Majesty of the great esteem of the President both for Your Majesty and for the people of Japan, in which sentiment the people of my country also share.

Your Majesty may be assured that it is my earnest desire to represent faithfully the sentiments of the people of the United States and to do all in my power to strengthen the bonds of friendship which now so happily bind the two countries together.

I have to thank Your Majesty for this very kind reception and for the cordial welcome with which I have been received in Your Majesty's country.

DIPLOMATIC
JUL 31 1897
BUREAU

RECEIVED
JUL 30 1897
SECRETARY'S

2D ASSISTANT SECRETARY,
Compare with previous inventories-
JUL 30 1897
Ack accordingly-

No. 2

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

AOPD 8/13/97

See instruction to Mr. Buck. Oct. 9/97

Mr. Buck

to the Secretary of State,

Subject:

Mr. Buck assumes charge of Legation. Inventory of Property.

No. 2

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that, on the 3rd instant, after the presentation of my letter of credence, I assumed charge of this Legation, receiving from my predecessor, Mr. Dun, all the Legation archives, books, office and household furniture, which had been in his charge as the property of the United States.

I have the honor to enclose herewith an inventory of the archives, etc., certified to by Mr. Dun and receipted by me.

I avail myself of this opportunity to acknowledge the many courtesies which I have received from Mr. Dun since my arrival in this country.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:

Inventory of Legation Property.

INVENTORY.

Books in the Library of the United States Legation at Tokyo, Japan.

International Law.

Title of work.	No. of volumes.
Wattel's Law of Nations.	1
Summary of the Law of Nations, Martens	1.
Puffendorf, Law of Nature and Nations	1.
Savigny's Private International Law	1.
Story's Conflict of Laws	1.
Gardener's International Law	1.
Grotius War and Peace, Whewell	3.
Polson's Law of Nation (Blockade)	1.
Westlake's Private International Law.	1.
Woolsey's Introduction to International Law	1.
Wharton's International Law Digest, with appendix	3.
- - - - - -	3.
Philimore's International Law	4.
Wheaton's Elements of International Law	1.
Moor on Extradition	2.
Hall's International Law	1.

CONSTITUTIONAL LAW.

Story on the Constitution	2.
Rawle on the Constitution.	1.
Baldwin on the Constitution	1.

rgeant on Constitutional Law----------1.

wle on the Constitution----------1.

schals Annotated Constitution----------1.

ADMIRALTY AND MARITIME LAW.

nklin's Admiralty Jurisdiction----------2.

nedict's Admiralty----------1.

rtes' Admiralty Digest----------1.

rsons' on Shipping and Admiralty----------2.

dor's Leading Cases in Mercantile and Maritime Laws----------2.

bot's Admiralty Reports----------1.

nglish Admiralty Reports----------9.

GENERAL LAWS.

ent's Commentaries----------4.

lackstone's Commentaries----------2.

tephen's Commentaries----------4.

reanleaf on Evidence----------3.

Parson's on Contracts----------3.

Cooley on Constitutional Limitations----------1.

Brightly's Digest of U. S. Statutes----------2.

" Federal Digest----------2.

unner's C. C. Reports----------3.

Bond's C. C. Reports----------2.

Bateman's Commercial Law----------1.

Hilliard on Torts ----------2.

Hilliard on Remedies for Torts----------1.

Holcomb's Leading Cases of Commercial Law----------1.

Morseon Arbitration and Award----------1.

Parsons on Partnership----------1.

Story on Bailments----------1.

Story on Agency----------1.

dwards on Bills----------1.
ouvier's Law Dictionary----------2.

POLITICAL , etc.

adison's Papers----------3.
lliot's Debates----------5.
ashington's Writings----------12.
efferson's Writings----------9.
amilton's History of the Republic----------7.
ams'(John) Works----------10.
ebster's Speeches----------3.
ederalist----------2.
urke's Works----------12.
mith's(Adam) Works----------1.
eToqueville's American Institution----------1.
enton's Thirty Years and Abridgement of debates----------2.
raper's Civil Policy in America----------1.
raper's American Civil War----------3.
raper's Intellectual Development of Europe----------1.
reeley's American Conflict----------2.
ebster's Unabridged Dictionary----------1.
ill's Political Economy----------2.
rove's Greek and English Pronouncing Dictionary----------1.
atin-Eoglish - - ----------1.
rench-English - - ----------1.
erman-English - - ----------2.
panish-English - - ----------2.
ew American Cyclopedia(16vols. and 11 vols. Annual)----------27.
acauley's Works----------12.
allam's History of England(3),Middle Ages(3)----------6.
ancroft's United States----------9.

Hume's England, (6Hume, 4Smollett, 7Hughes)----------17.
Froude's England----------6.
Hildreth's United States----------6.
Bible----------4.
Palfrey's New England----------3.
Wileman's Christianity----------3.
Rawlinson's Great Empires(Eastern Monarchies)----------3.
Alison's Europe----------23.
Buckle's Civilization----------3.
Prescott's Works----------15.
Gibbon's Rome----------8.
Guizot's Civilization----------2.
Grote's Greece----------12.
Smyth's Lectures(Modern History and French Revolution)----------5.
Brand's and Cox's Science----------3.
Drake's American Biographical Dictionary----------1.
Appleton's Cyclopedia of Biography----------1.
" Mercantile Dictionary----------1.
Colton's Larcon----------1.
Scott's Works (Poetical 1, Life of Napoleon 5, Novels 48)----------52.
Dickens Works----------26.
Spectator----------6.
Lamb's Works----------4.
Carlyle's Works----------15.
DeQuincy's Works----------26.
Cooper's Novels----------32.
Bryant's Poems----------1.
Duyckinck's Cyclopedia of American Literature----------2.
Motley's Works ----------7.
Milton's Works----------11.
Shakespeare's Works----------4.
Byron's Works----------17.
Moore's Works----------1.
Longfellow's Works----------1.
Burns' Works----------3.
Whittier's Works----------2.
Percival's Works----------2.
Hawthorne's Works----------17.
Holmes' Works----------1.
Lowell's Works----------2.
Duyckinck's History of the World----------4.
Parkman's Works----------6.
Dickson's Japan----------1.

LEGAL.

LEGAL.

Story's C. C. Reports----------3.
Clifford's C. C. Reports----------2.
Woodbury and Minot's Reports----------3.
Curtis' C. C. Reports----------2.
Paine's Reports----------2.
Blackford's Reports----------10.
Hare & Wallace's American Leading Cases----------2.
Daniell's Changery Pleading and Practice----------3.
Bennett's Leading Criminal Cases----------2.
Opinions of the Attorney General----------13.
Wallace's United States Supreme Court Reports----------23.
Curtis, Decisions of the Supreme Court----------22.
Black's Reports----------2.
Howard's Reports----------7.
Statutes at Largewith Index----------34.
Smith's Leading Cases----------3.
Revised Statutes of the United States----------2.
" " " " " " with Supplement--------1.
Charters and Constitutions of the United States----------2
Davis, Notes on Treaties of the United States----------1.
Treaties and Conventions of the United States----------1.
Consular Regulations of the United States----------4.
Hickey, Constitution of the United States----------1.
Consular Jurisdiction-Secretary of State----------1.
Alabama Claims-Case of the United States----------1.
Boissanade, Civil Code of Japan----------Pamphlets----------2.
" Criminal " " " " ----------2.
Sawyer's United States Reports,9th Judicial District----------11.
Scidmore's Digest Leading Consular Cases----------1.
Regulations of Consular Courts----------2.
Census of U.S. 1870 3 2

MISCELLANEOUS.

Comps of U.S. Census 1880 7
Census of the United States,1880----------3.
Curzon's Problems of the Far East----------1.
The Times Atlas----------1.
Brinkley's Japanese-English Dictionary----------1.
Worcester's Dictionary-Unabridged----------1.
Protocolsof Conference of Treaty Revision,1882----------1.
Murray's Handbook of Japan----------1.

OFFICIAL RECORDS OF THE

UNITED STATES LEGATION AT TOKYO, JAPAN.

Mr. Harris

Despatches from Department of State----------1.
- to - - - ----------1.
Despatches from Japanese Government----------14.
- to - - and Miscellaneous---------- 1.
- from - --------- 6.

Mr. Pruyn.

Despatches from Department of State----------1.
- to - - - (with Van Valkenburgh)-------1.
- from Japanese Government----------9.
- to - - and Miscellaneous----------1.
- from - ----------7.
Miscellaneous Papers----------1.

Mr. VanValkenburgh.

Despatches from Department of State----------2.
- to - - - ----------1.
- from Japanese Government----------6.
- to - - and Miscellaneous----------1.
- from - ----------6.
Miscellaneous Papers----------5.

Mr. DeLong.

Despatches from Department of State----------3.
- to - - - ----------1.
- from Japanese Government----------12.
- - Miscellaneous----------13.
Miscellaneous Papers----------3.
Special Claims----------2.

Mr. Bingham.

Despatches from Department of State----------16.
- to - - - ----------6.
- from Japanese Government----------19.
- to - - ----------3.
- from Miscellaneous----------27.
- to - ----------4.
Special Cases and Translations----------4.

Mr. Hubbard.

Despatches from Department of State, marked 1,2,3,5,6,7,8,&9-----8.
- to - - - with Mr. Bingham's No. 6,---1.
- - - - - marked 2&3----------2
- from Japanese Government----------8.
- to - - with Mr. Bingham's No. 3----1.
- - - - marked 2----------1.
- from Miscellaneous----------8.
- to - with Mr. Bingham's No. 4.----------1.
- - - marked 2----------1.
Volume marked "Fullart Case"----------1.
- - "Kernan Case"----------1.

Mr. Swift.

Despatches from Department of State----------3.
- to - - - ----------1.
- from Japanese Government----------3.
- to - - with Mr. Hubbard----------1.
- from Miscellaneous----------3.
- to Miscellaneous with Mr. Hubbard----------1.

Messrs. Swift and Dun.

Despatches from Department of State----------1.
- - Japanese Government----------1.
- - Miscellaneous----------1.

Mr. Dun.

Despatches from Department of State----------2.
- - Japanese Government----------2.
- - Miscellaneous----------2.

Mr. Coombs.

Despatches from Department of State----------2.
- to - - - with Mr. Swift----------1.
- from Japanese Government----------2.
- to - - with Mr. Swift----------1.
- from Miscellaneous----------2.
- to - with Mr. Swift----------1.

Mr. Dun.

Despatches from Department of State----------8
- to - - - with Messrs. Swift and Coombs--1.
- - - - - ----------1.
- from Bapanese Government----------8.

Mr. Dun---Continued.

espatches to the Japanese Governmentwith Mr. Coombs----------1.
- from Miscellaneous----------8.
- to - with Mr. Coombs----------1.
- - - ----------1.
eace Negotiations between China and Japan----------1.
he "Bush Case"----------1.

Miscellaneous Records.

assport Record Books.
Court Record Book.
Copy,No. 25, of Cipher Code of Department of State and Pamphlet,
o. 25,Holocryptic Code and Appendix to Cipher Code,of Department
f State, published 1876.
ecords of Japanese Passports.
eases, Contracts, etc., etc.

OFFICE FURNITURE.

4 Writing Desks.
1 Type-writer Desk.
2 Sofas.
3 Revolving Desk Chairs.
2 Office Bureaux
2 Sets of Curtains for Minister's Office.
1 Wash stand.
1 Remington Typewriter.
1 Hammond Typewriter.
2 Copy Presses.
3 Wall Maps of Japan and 5 Sectional Maps of Japan.
1 Small Mirror.
1 Wall Map of the United States.
2 Stoves.
3 Letter Scales.
2 Office Wax Seals.
1 Large Legation Seal with Press attached.
1 Paper Punch.
1 Iron Safe.
Inkstands,Erasers,paper knives,despatch and correspondence paper and envelopes,
sealing wax,wafers,ribbons, pencils, pens,etc.
1 Coat of Arms.
1 large National Ensign, 1 medium and1 storm flag.
Keys to Department Mail Pouches,pouches etc.
1 Seal with Press,Wires and Leads for Mail Pouches.

1 Office Carpet and 1 Rug.
1 Book case.
2 Sets of Book Shelves.
1 Round Paper Stand.
1 Table.
1 Cabinet for Forms.

MISCELLANEOUS BOOKS; ETC.

1 Cap. French Dictionary of Military terms
1 Hepburn's Japanese Dictionary----------1.
1 Heyl's Import Duties----------1.
1 Penal Code of Japan----------1.
2 Adam's History of Japan----------2.
3 Black's Young Japan----------3.
1 Brightly's Digest 1759-1851----------1.
1 Williams Syllabic Dictionary of Chinese----------1.
1 White's Senji Mon----------1.
1 Japanese Dictionary (Genkai)----------1.
2 Pocket Maps of Tokio and Hiogo----------2.
1 Digest of Opinions of Attorney General----------1.
1 Dunlaps Book of Legal Forms----------1.
12 Japan Weekly Mail--June, 1891- June, 1897----------12.
1 Hepburn's Pocket Japanese Dictionary 2d ed.
1 Dictionary of Naval terms

Note: In addition to the foregoing, there is a quantity of pamphlets, periodicals, reports, diplomatic correspondence, Congressional Records, etc., etc.

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LEGATION OF THE UNITED STATES,
Tokyo, Japan, July 3, 1897.

I hereby certify that the foregoing Inventory includes and describes all the archives of this Legation and all the books in the library thereof and all other books, furniture and effects which at any time came to my possession and remain under my control as the property of the United States Government.

Edwin Dun

LEGATION OF THE UNITED STATES,
Tokyo, Japan, July 3, 1897.

I hereby certify that I have this day received from the Honorable Edwin Dun all the archives, books and property of the United States specified in the foregoing inventory.

[signature]

INVENTORY OF THE FURNITURE AND MOVABLE

PROPERTY IN THE RESIDENCE PORTION OF THE UNITED STATES LEGATION AT TOKYO, JAPAN.

Dining Room.

10 Keyaki Chairs, Leather Covered. ✓
" extension table, 4:6X20. ✓
" Sideboard. ✓
" Dinner-wagons. ✓
Sets Curtains. ✓
Buff Hollands. ✓
Set Fire-irons. ✓
Wooden Coal Scuttle. ✓

1 hearth rug.

-----O-----

Drawing Room I.

Settee, upholstered. ✓
Easy Chairs. ✓
" " " ✓
Percival 3 seated Ottoman. ✓
Oblong Consol Table. ✓
Buff Hollands. ✓
Sets of Curtains. ✓
Set of Fire-irons. ✓
Coal Scuttle. ✓

1 hearth rug

-----O-----

Drawing Room II.

1 Settee. ✓
4 Easy Chairs. ✓
4 " " " ✓
1 Percival 3 seated Ottoman. ✓
2 Fancy Tables in Cherry. ✓
2 Foot Stools. ✓
2 Sets of Curtains. ✓
2 Buff Hollands. ✓
1 Set of Fire-irons. ✓
1 Coal Scuttle. ✓

1 hearth rug

-----O-----

Library.

1 Keyaki Table. ✓
1 Keyaki Book Case. ✓
2 Easy Chairs. ✓
2 Arm Chairs. ✓

5 Sets of Curtains. ✓
5 Buff Hollands. ✓

INVENTORY OF FURNITURE IN RESIDENCE.- Contioued

1 Set of Fire Irons. ✓
1 Coal Scuttle. ✓
4 Keyaki Chairs upholstered in Silk. ✓ 1 hearth rug

-----O-----

Hall.

1 Keyaki Hatrack. ✓
1 Door Mat. ✓
1 Foot Scraper. ✓

1 hallmat 27 hallmats

-----O-----

NOTE:- Brussels Carpets on all rooms heretofore mentioned. ✓

-----O-----

Bedrooms.

4 Keyaki Bedsteads. ✓
3 - - (small). ✓
7 Patent Woven Wire Mattresses. ✓
7 Horse-hair Mattresses. ✓
4 Toilet Tables. ✓
7 Wash Stands. ✓
2 Davenports with Plush. ✓
14 Feather Pillows. ✓

-------O-------

LEGATION OF THE UNITED STATES,
Tokyo, Japan, July 3 ,1897.

I hereby certify that the foregoing Inventory includes and describes all the household furniture and movable property which at any time came into my possession and remain under my control as the property of the United States Government.

Edwin Dun

LEGATION OF THE UNITED STATES,
Tokyo, Japan, July 3 ,1897.

I hereby certify that I have this day received from the Honorable Edwin Dun all the household furniture of the United States Legation at Tokyo, Japan, as specified in the foregoing inventory.

Alfred E Buck

DIPLOMATIC
JUL 31 1897
BUREAU.

2D ASSISTANT SECRETARY,
Note, ack & file.
aad
JUL 30 1897

INDEX BUREAU
RECD.
JUL 30 1897
DEPT. OF STATE

No. 3

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Cipher Codes at the Legation.

No. 3.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

In compliance with the Department's instruction, I have the honor to inform you that there is in use at this Legation Department Cipher Code No. 25, together with Holocryptic Code No. 25.

I shall not fail to exercise due care in safekeeping these codes.

I have the honor to be,

Sir,

Your obedient serwant,

A. E. Buck

DIPLOMATIC
JUL 31 1897
BUREAU.

2D ASSISTANT SECRETARY,
Bureau of Accounts will note
Ack't & file - aab
JUL 30 1897

INDEX BUREAU
RECVD.
JUL 30 1897
DEPT. OF STATE

No. 4

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Rec'd 8/4/97

Mr. Buck

to the Secretary of State.

Subject:

Mr. Wilson, Second Secretary of Legation, arrives at his post.

No. 4.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that Mr. Huntington Wilson, Second Secretary of this Legation has arrived at Tokyo and, on the 5th instant, entered upon the duties of his office.

I have not failed to apprise the Foreign office of Mr. Wilson's arrival.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck

DIPLOMATIC
JUL 31 1897
BUREAU.

2D ASSISTANT SECRETARY,
Inform Secy of War.
Ack + file. aak
JUL 30 1897

No. 5.

INDEX BUREAU
RECD.
JUL 30 1897
DEPARTMENT OF STATE

Ack'd
Transcript
mfd 7/31/97
C.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Mr. Buck to

the Secretary of State.

Subject.

Military Attaché arrives at his post.

No. 5.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that Brevet Lieutenant Colonel Edmund Rice, Captain 5th United States Infantry, arrived in Tokyo on the 28th ultimo, and, on the 3rd instant, reported to me at the Legation and entered upon the duties of his post.

I have informed the Japanese Government of his arrival.

I have the honor to be

Sir,

Your obedient servant,

J. E. Buck.

DIPLOMATIC BUREAU.
BUREAU OF ACCOUNTS.

DIPLOMATIC
JUL 30 1897
BUREAU.

Ac 1ca 8/4/97

No. 6. C

2D ASSISTANT SECRETARY,
Order the papers as requested.
Back JUL 30 1897

INDEXED
RECD.
JUL 30 1897
DEPARTMENT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Bureau of Accounts,
JUL 31 1897
July 1.97 to June 30 '98
Ordered Sent.

Mr. Buck

to the Secretary of State.

Subject:

N. Y. "Tribune" and San Francisco "Chronicle" requested for Legation.

No. 6.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 6, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to request that the Legation may be provided, during the next fiscal year, with the the New York daily "Tribune" and the SanFrancisco daily "Chronicle".

I have the honor to be,

Sir,

Your obedient servant,

J. A. Buck

DIPLOMATIC
AUG 11 1897
BUREAU.

2D ASSISTANT SECRETARY,
Ack + file - ack
AUG 10 1897

No. 75

AUG 9 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 15, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Mr. Dun's letter of farewell to the Minister for Foreign Affairs.

No. 7.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 15, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

At the requestof my predecessor, and in order to complete the files of the Department, I have the honor to enclose herewith a copy of a farewell note, dated the 3rd instant, addressed by Mr. Dun to H. I. J. M's. Minister for Foreign Affairs; and a copy of Count Okuma's reply thereto, dated the 10th instant.

I have the honor to be,

Sir,

Your obedient servant,

V. E. Buck

Enclosures:

1. Mr. Dun to Count Okuma, July 3, 1897.

2. Count Okuma to Mr. Dun, July 10, 1897.

Enclosure No. 1 with Mr. Buck's No. 7

Mr. Dun to Count Okuma, July 3, 1897. - Copy.

LEGATION OF THE UNITED STATES,

Tokio, Japan, July 3, 1897.

His Excellency,

Count Okuma Shigenobu,

etc., etc., etc..

Sir:

Before taking leave of Your Excellency in my official capacity, I desire to assure you of the great pleasure and happiness with which I recall the cordial relations that have always subsisted between Your Excellency and Your Excellency's predecessors and myself. During the many years that it has pleased my Government to retain me at this post, my relations with the members of the Department of Foreign Affairs and with the members of the other Departments of His Majesty's Government have been of such a pleasant nature that I cannot recall one unpleasant incident to mar the agreeable recollections I have of my official life in Japan; and I gladly avail myself of this opportunity to testify to my feelings of indebtedness to Your Excellency, Your Excellency's predecessors, and other members of His Majesty's Government for innumerable acts of courtesy, consideration and kindness that have been extended to me.

Next to my own country and countrymen my greatest admiration and affection is centered in Japan, and its people. In the continued enlightened progress of this great nation,

and

and the happiness and prosperity of the Japanese people, I have the greatest faith.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) EDWIN DUN.

Enclosure No.2 with Mr. Buck's No.7

Count Okuma to Mr. Dun, July 10, 1897,- copy.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokio, the 10th day, the 7th month,
the 30th year of Meiji.

Honorable Edwin Dun,
Ex-Minister of the United States
of America. -

Sir:

I have the honor to acknowledge the receipt of the very courteous letter which under date of the 3rd instant you were good enough to address me before parting from me in your official capacity.

It is entirely due to your unremitting endeavors whilst you were accredited to this country that the friendly relations between Japan and the United States have been so greatly strengthened, and it affords me great pleasure to join with you in the happy recollection of our amicable relations which no unpleasant incident has ever marred, throughout the period of your official residence here. I also desire to take this opportunity to express on behalf of the members of His Imperial Majesty's Government as well as of myself, sincere acknowledgements for the uniform courtesy and consideration that you have always extended to us.

Cordially wishing for your good health and future prosperity and a safe voyage to your country, I avail myself of

this

this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) Count OKUMA SHIGENOBU,

Minister for Foreign Affairs.

3rd. ASST. SECRETARY.
AUG 11 1897

Rec'd Aug 9 1897

AUG 9 1897

DIPLOMATIC
AUG 11 1897

No. 8

LEGATION OF THE UNITED STATES,

Tokio, Japan, July 16, 1897.

Mr. Buck ,

to the Secretary of State.

Subject:

Confirming telegrams of July 14 and July 15, 1897.

No. 8

LEGATION OF THE UNITED STATES,

Tokio, Japan, July 16, 1897.

Honorable John Sherman,

Secretary of State,

Washington.-

Sir:

I have the honor to confirm herewith telegrams as follows:

1) From the Secretary of State to Mr. Dun, of date July 14, 1897.

2) From Mr. Buck to the Secretary of State, of date July 15, 1897.

I have the honor to be,

Sir,

Your obedient servant,

A E Buck

Enclosures:

Readings of telegrams as above.

Enclosure with Mr. Buck's No. 8

Reading of cipher telegram from the Secretary of State to Mr. Dun, July 14, 1897.- Copy.

Washington, July 14, 1897.

Dun, Minister , Tokio.

Ascertain (and ?) cable at once whether Japanese Government has offered bounty to vessels engaged in fur seal hunting or intends to offer bounty for such purpose. Urgent haste.

SHERMAN.

Enclosure with Mr. Buck's No. 8

Reading of cipher telegram from Mr. Buck to the Secretary of State, July 15, 1897.

UNITED STATES LEGATION,

Tokio, Japan, July 15, 1897.

Sherman, Washington.

July fifteenth. Minister for Foreign Affairs of Japan has informed me bounty may be claimed by Japanese vessels taking fur seals at sea according to law to take effect next April though the law is intended specially for otter and whale. No intention of offering special bounty on seals. Definite statement of Minister for Foreign Affairs of Japan in writing will be furnished and forwarded.

BUCK.

DIPLOMATIC
AUG 12 1897
BUREAU.

2D ASSISTANT SECRETARY,
Ans. Aug. 12, 97.
AUG 12 1897

No. 9.

LEGATION OF THE UNITED STATES,

Tokio, Japan, July 16, 1897.

RECEIVED
SEP.
AUG 9 1897
DEPT. OF STATE

Mr. Buck ,

to the Secretary of State.

Subject:

Refusal to grant J.M.McCaleb a Japanese travelling passport.

No. 9.

LEGATION OF THE UNITED STATES,

Tokio, Japan, July 16, 1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to report to the Department a case wherein I have felt myself constrained to refuse a Japanese travelling passport to J.M.McCaleb, an American born, who as a member of the Churches of Christ Mission has for the last five years resided in Japan engaged in religious work.

The facts in the case, briefly stated, are these:

It had been arranged by the American residents of Tsukiji, the Foreign Concession of Tokio, to give on the evening of July 6th a public entertainment in celebration of the Independence of the United States, and special cards of invitation were sent to all Americans residing in Tokio, requesting their presence at the exercises which were to comprise the singing of national songs, the reading of the Declaration of Independence, speeches and prayer; to be followed by a supper provided by the ladies of the Foreign Concession , and to be closed with fireworks.

Mr. McCaleb, the recipient of an invitation, replied to the Secretary of the Committee having the entertainment in charge, Mr. Edgar Leavitt, by a postal card and

the

the expression of Mr. McCaleb's sentiments on patriotism (copy enclosed herewith marked No.I) having been submitted to the other members of the Committee became, as is natural in a small and intimately acquainted community like that of Tokio, the topic of common talk. In justice to the missionaries it is but fair to say that Mr. McCaleb's conduct in this matter has been heartily condemned by the missionaries in general as well as those of his own mission.

The matter remained in this stage until the 7th instant when there was received at the Legation a communication from Mr. McCaleb (enclosure No.2) an application for two travelling passports for the Empire of Japan, which are obtained for United States citizens upon application and recommendation by me to H.I.J.M's. Minister for Foreign Affairs.

In view of the position in which Mr. McCaleb had placed himself , I did not feel inclined to extend to him any favor or to request the Japanese Government to afford him opportunities of proceeding beyond the treaty limits until he had given me some explanation of the views he had publicly expressed, and assured me of his loyalty as an American citizen, and of his allegiance to the country of his birth (see enclosure No. 3).

It was only on the I4th instant thatMr. McCaleb called at the Legation when I explained to him that his public declaration had placed him in an unfavorable

light

light and that he should understand that American citizens are expected to reciprocate by loyalty and patriotism the many favors which their Government extends to them; that the members of the Legation were desirous of believing that he had not intended to convey the impression that had been made upon the minds of the American community; and that he could easily place himself in a position to obtain whatever was in the power of the Legation to grant by making an application for a United States citizen's passport and in so doing taking the oath of allegiance.

He replied that his religious convictions forbade his taking an oath and was then informed that in that case he could make affirmation. This he declined to do saying that he was being made an example of and that he could not be <u>compelled</u> to take out a passport or affirm his loyalty and allegiance. He was also assured that there was no desire to discriminate against him, but that he was being asked to declare his allegiance to his country ,- a thing which every loyal citizen should be ready and willing to do - and to observe regulations that were intended for all.

It was confessed that he could not be <u>compelled</u> to take out a passport, but it was pointed out at the same time that under the regulations of the Department of State citizens abroad should secure passports every two years , and that until <u>he did</u> so , while his citizenship might not be questioned his right to favors from the

<u>Legation</u>

Legation and the Government would remain dormant.

Before leaving the Legation Mr. McCaleb left a statement of his views and an explanation of his position , copy of which I have the honor to enclose herewith (enclosure No. 9).

Mr. McCaleb was, I believe, a resident of Indiana before coming to Japan, but, so far as I know, he is not the bearer of a United States passport. At least the records of this Legation do not show that one has been issued to hom since his coming to this country.

In connection with Mr. McCaleb's case , I may add that although the American missionaries as a body are looked upon by all with the greatest commendation there have been in this country, I am informed, some instances where the Japanese authorities have felt that certain representatives of American missions have been instructing the Japanese youth with doctrines somewhat contrary to the ideas of patriotism which are held here, and which, if fostered, might lead to difficulties.

In consequence of this feeling I have thought that it would be better if Mr. McCaleb were not permitted to engage in his work outside the treaty limits until he can be induced to change his views sufficiently , at least , to affirm his allegiance to his country.

I have the honor to be,

Sir,

Your obedient servant,



Enclosures

Enclosures:

Mr. McCaleb to Mr. Leavitt, July 3,-1897.

" " " Legation, " 6, "

Mr. Miller to Mr. McCaleb, " 8,9,12,-1897.

Mr. McCaleb to Mr. Miller, " 9,10,13,-1897.

" " " Mr. Buck , " 13,-1897

Mr. Miller to Mr. McIvor, " 14, "

Enclosure No. 1 with Mr. Buck's No. 9 .

(Copy)

Edgar Leavitt,

32 Tsukiji,

Tokyo.

July 3,'97.

"My kingdom is not of this world." Take no stock in it. Can't encourage mere sectional patriotism or glory in an "Independence" established in blood and the cruelities of savage and merciless war. "Be ye not conformed to this world, but be ye transformed by the renewing of your minds that you may prove what is that good and acceptable and perfect will of God." "Our citizenship is in Heaven."

22 Tsukiji. (Signed) J. M. McCaleb.

Enclosure 2 with Mr. Buck's No. 9

(Copy)

American Legation.

Gentlemen:-

Please give two more passports for the current year and oblige. Would like to have them as early as convenient.

Most respectfully

(Signed) J. M. McCaleb.

12 Tsukiji, Tokyo,

July 6, '97.

Enclosure No. 3 with Mr. Buck's No. 9

(Copy)

J.M.McCaleb, Esquire,

No. I2 Tsukiji, Tokio.

Dear Sir:

In reply to your application of date the 6th instant for passports for the ensuing year, I am instructed by Minister Buck to state that the instructions of the United States Government strictly and positively forbid the issuance of passports to any other persons than citizens of the United States; and to request that you will be good enough to furnish some affirmation or other evidence of your citizenship in, and allegiance to, the United States of America.

I remain,

Yours respectfully,

(Signed) R.S.Miller,

Interpreter of Legation.

United States Legation,

Tokio, July 8, I897.

Enclosure 4 with Mr. Buck's No. 9

(Copy)

12 Tsukiji Tokyo,

July 9th,1897.

Mr. R. S. Miller, Interpreter of Legation.

Dear sir:-

Minister Buck's message comes with great surprise.

I am on record at the Tokyo Fu, the U. S. Consulate at Yokohama, and at the U. S. Legation, Tokyo, as an American citizen. Have been doing business and receiving passports as such, in Japan, for over five years. What about the old passports of my wife and self returned on the 6th instant along with my application? Are they no evidence of my citizenship? I really don't know what kind of assurance the Minister wants if such as indicated above is not satisfactory. If he will be kind enough to indicate what kind of evidence will satisfy him I will try to furnish it if I can.

Most respectfully,

(Signed) J. M. McCaleb.

Enclosure 5 with Mr. Buck's No. 9

(Copy)

Mr. J.M.McCaleb,

No. I2 Tsukiji, Tokio.

Dear Sir:

Referring to your favor of the 9th instant I am instructed by Minister Buck to reply that he had been given to understand that you had recently, in a public manner and over your own signature, practically renounced your citizenship in and allegiance to the United States.

The Regulations are very strict in the matter of granting passports to any other persons than loyal citizens of the United States, and the nature of the evidence required is indicated by the enclosed passport application form.

The Minister would be pleased to learn that he has been misinformed and that you are now and always prepared to affirm your loyalty and allegiance to your native country.

I remain, Sir,

Yours respectfully,

(Signed) R.S.Miller

Interpreter.

United States Legation,

Tokio, July 9, I897.

(Enclosure:

Passport application form .)

Enclosure 6 with Mr. Buck's No. 9 .

(Copy)

18 Tsukiji, Tokyo,

July 10,1897.

Mr. R. S. Miller, Int. U. S. Legation.

Dear sir:-

Replying to yours of even date I may say that Minister Buck has made rather a serious charge and I ask for the proof that I " in a public manner and over your own signature practically "denounced your citizenship in and allegiance to the United States."

Awaiting your reply I am

Most respectfully yours

(Signed) J. M. McCaleb.

Enclosure 7 with Mr. Buck's No. 9

(Copy).

J.M.McCaleb, Esquire,

No. I2 Tsukiji, Tokio.

Dear Sir:

Minister Buck directs me to state that if you will be good enough to call at the Legation any day during office hours the desired information will be furnished you, and that upon complying with the Regulations your passport will be issued.

I beg to enclose passport for Mrs. McCaleb and children with Minister Buck's compliments.

Yours respectfully,

(Signed) R.S.Miller.

United States Legation,

Tokio, July I2, I897.

Enclosure 8 with Mr. Buck's No. 9.

(Copy)

12 Tsukiji Tokyo,

July 13,1897.

Mr. R. S. Miller, Int. U. S. Legation.

Dear sir:-

Yours of the 12th containing passport for wife and babies received for which please express our thanks to the Minister for his kind consideration of their welfare.

If the Lord will, and it so please the Minister I shall call in the morning at which time I hope to be favored with the Minister's own presence.

Most respectfully,

(Signed) J. M. McCaleb.

Enclosure 9 with Mr. Buck's No. 9 .

(Copy)

Tokyo, July 13th, 1897.

Being assured that the single postal card written to Mr. Leavitt on the third instant is the Minister's sole ground for his accusation against me, I anticipate what may be required of me to-day by a few written statements.

In closing I say " Our citizenship is in heaven"(Phil. 3:20). But this is a quotation from the Apostle Paul, who, though making the declaration to show that the mind of the Christian should not be set on"earthly things", could with equal propriety assert his rights as a Roman citizen and say "I am a Jew, of Tarsus in Cilicia, a citizen of no mean city"; or to escape the lictor's lash enquire "Is it lawful for you to scourge a man that is a Roman?.....I am a Roman born". If the Apostle could say "Our citizenship is in heaven" and yet claim his rights as a free-born citizen, why may not I? Our Savior at one time said (John,18:36-38): "My kingdom is not of this world: if my kingdom were of this world then would my servants fight", but when questioned further by the Roman Governor, the unbelieving Pilate, under a heathen Emperor, was constrained to release him with the significant words,"I find no crime in him". But it so happens in this day of gracethat I for using similar language an accused of renouncing my citizenship by a Minister hailing from the land of freedom and Christian liberty, and sent out by a Christian President. I can but consider it a violation of the first amendment of the Constitution which distinctly says congress shall enact no law prohibiting the free exercise of religion or abridging the freedom of speech or the press.

It is also indicated that I must affirm my loyalty or take the oath of allegiance, which for two reasons I must respectfully decline tn do. I cannot, in the first place, submit to being made a special

example of contrary to the custom with other citizens applying for passports to travel in the interior of Japan, as though I had done something that had forfeited my rights as a citizen of the United States of Americ and had to be reinstated. I plead for that which is regular and common to all others. Again I must further object from religious convictions since I am taught to "swear not, neither by the heaven, nor by the earth, nor by any other oath: but let your yea be yea, and your nay, nay; that ye fall not under judgment"(Jas. 5:12). In which again I plead for no special favor than that which is granted thousands of other citizens of the United States holding like convictions, on account of which, out of respect to their religious views, they are allowed to waive the oath.

I stated further in the card that I could not "encourage a mere sectional patriotism or glory in an Independence established in blood and the cruelties of savage and merciless war". If it will be of any avail for me to say it, my sympathies are, of course , with my own native country rather than that of any other; it is impossible that it should be otherwise. I can but express my gratitude that, in the Providence of Him who maketh even the wrath of man to praise Him" I was born in a country free from imperial tyranny, and of religious freedom, where each is allowed to worship God according to the dictates of his own conscience-and His Will- but when it comes to the instrumentality by which it was brought about, I could far more easily clothe myself in sack-cloth, throw dust upon my head and sit in ashes, than I could, to commemorate the event, engage in a carnival of feasting and merriment and shooting skyrockets over the heads of those whose brothers I had slain like so many beasts of the slaughter. Again, Sir, may I ask, if one must engage in such Fourth-of-July celebrations in order to be a citizen in full fellowship and good standing what becomes of the citizenship of those who have been living in Japan for the last thirty years, since this is the first celebration to be held? Coming at this particular juncture, moreover, when the two countries-

America and Japan- sustain somewhat strained relations towards each other, I consider it exceedingly impropitious that such a meeting should have been held. I for one came to Japan to try to convert the people to Christ, but I dont feel inclined to attempt it by bursting fireworks over their heads to show them how loyal I am to my own country. And especially do I not wish to fan the flame that already too easily burns in the youth of our land against those born on British soil. I may be permitted to say that , though there be but a handful of children in the concession of Tsukiji, it is even now with the greatest difficulty that a school of the two nationalities can be run in common, so high has been wrought the spirit of patriotism.

In conclusion I may reassert that no proper construction of my card can be made to mean that I have either practically or otherwise renounced my citizenship : if however, in your judgment, such seems to be the case, on account of which a passport cannot be granted, I can only say So much the worse for both, the passport and the citizenship.

(Signed) J. M. McCaleb.

Enclosure/0 with Mr. Buck's No. 9

(Copy)

N.W.McIvor , Esquire,

United States Consulate General,

Yokohama.-

Dear Mr. McIvor,

Pending the conclusion of correspondence with Mr. J.M.McCaleb, of Tokio, respecting his citizenship, I am directed to request that you will not issue him a local travelling passport.

Very respectfully yours,

(Signed) R.S.Miller.

United States Legation,

Tokio, July 14, 1897.

DIPLOMATIC
JUL 22 1897
BUREAU.

Copy to Mr. Hamlin July 20/97

Copy to London July 21

Copy to Mr. Sherman July 21

Telegraphed London July 24/97

TELEGRAM RECEIVED. Cipher

Tokyo

July 19, 1897.

Received 10:40 A.M.

Sherman

Washington.

July fifteenth. Minister for Foreign Affairs of Japan has informed me bounty may be claimed by Japanese vessels taking fur-seals at sea according to law to take effect next April, though the law is intended specially for otter and whale. No intention of offering special bounty on seals. Definite statement of Minister for Foreign Affairs of Japan in writing will be furnished and forwarded.

Buck

No. 10.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 21, 1897.

√copy to Spa. Gosler. Aug. 16/97

Mr. Buck

To the Secretary of State.

Subject:

Enclosing copy of Count Okuma's Note relating to bounty to vessels engaged in fur seal hunting.

No. 10.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 21, 1897.

The Honourable John Sherman,

Secretary of State,

Washington, D. C.

Sir:

Referring to Mr. Sherman's telegraphic instruction of date July 14, 1897, and my reply by cable, of date the 15th instant, in regard to the question of bounty offered to vessels engaged in fur seal hunting, I have the honour to enclose herewith copy of a Note from Count Okuma, H. I. J. M's. Minister for Foreign Affairs, of date July 17, 1897, addressed to me in response to a Note, enclosing a copy of Mr. Sherman's instruction referred to above, which I addressed to him on the 15th July, 1897.

I have the honour to be ,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:.

CCopy of Note, Count Okuma to Mr. Buck, of date July 17, 1897.

Copy.

Department of Foreign Affairs,
Tokyo, the I7 day, the 7 month, the
30 year of Meiji.

His Excellency,
Alfred E. Buck,
Envoy Extraordinary and Minister Plenopetentiary of the United States of America.

Monsieur le Ministre:

I have the honour to acknowledge the receipt of Your Excellency's note of the I5 instant, requesting an information as to whether the Imperial Government have offered or intend to offer any bounty to vessels engaged in fur seal hunting.

In reply I beg to state that a law No. 45 for the encouragement of deep sea fishing was promulgated in March last and in accordance with Imperial Ordinance No. I76 promulgated in May last in consequence of that law, a bounty is to be given to those who shall engage themselves within the stipulated limits in hunting and fishing of any of the undermentioned description, commencing from the I day of April, next year:

I. Whale Hunting.
2. Sea-Otter Hunting.
3. Fur-Seal Hunting.
4. Shark Fishery.
5. Tunny Fishery.
6. Bonite Fishery.
7. Cod Fishery.
8. Mackerel Fishery.

8. Mackerel Fishery.

9. Yellow Tail (Seriola) Fishery.

IO. Squid Fishery.

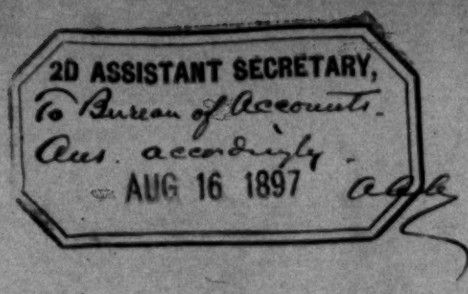
II. Halibut Fishery.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) Count Okuma Shigenobu,

Minister for Foreign Affairs.

No. 11.





LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 22, 1897.



Mr. Buck

to the Secretary of State.

Subject:

Enclosing statements of account for rent of Legation grounds and buildings.

No. 11.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 22, 1897.

The Honourable John Sherman,

Secretary of State,

Washington, D. C.

Sir:

I have the honour to enclose herewith statements of my account for the rent of the Legation buildings and grounds at Tokyo, Japan, as follows:

1) Rent of Legation buildings and grounds from May 15th, 1895, to April 23rd, 1896, inclusive, at the rate of four thousand ($4,000) dollars per annum.

2) Rent of Legation grounds from April 24th, 1896, to April 23rd, 1897, inclusive, at the rate of four hundred (Yen 400) Yen, Japanese money, per annum.

I regret that both these payments were inadvertently overlooked until so late a day. In this connection I beg to correct the reading of my draft of date July 9th, 1897, upon the Honourable, the Secretary of State, to read, "April 24th, 1896, to April 23rd, 1897, inclusive;" instead of "May 15th, 1896, to May 15th, 1897!"

I have the honour to be,

Sir,

Your obedient Servant,

Edwin Dun

Enclosures:

Statements of account for rent of Legation buildings and grounds, as above.

No. 12

To Comp. of Treasury 8/17/97

2D ASSISTANT SECRETARY, To Treasury for the Comptroller of the Currency Ack. AUG 16 1897

LEGATION OF THE UNITED STATES,

Tokio, Japan, July 22, 1897.

AUG 16 1897

DIPLOMATIC BUREAU. AUG 16 1897

Mr. Buck

to the Secretary of State.

Subject:

Banking statistics of Japan.

No. 12

LEGATION OF THE UNITED STATES,

Tokio, Japan, July 12, 1897.

Honorable John Sherman,

Secretary of State,

Washington. -

Sir:

In reply to your circular instruction of date March 16th last, requesting of my predecessor certain information relative to the banking statistics of this Empire for the use of the Comptroller of the Currency, I have the honor to enclose herewith translation copy of replies to the several interrogatories as far as can be ascertained, which were enclosed in a note from His Excellency, Count Okuma to Mr. Dun, of date July 1, 1897.

I have the honor tobe,

Sir,

Your obedient servant,

Edw. Buck

Enclosure:

Banking statistics as above.

Mr. Griffin

DIPLOMATIC
AUG 16 1897
BUREAU.

No. 13.

AUG 16 1897

2D ASSISTANT SECRETARY,
Comply.
AUG 16 1897

Ans 8/19/97 c.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 25th, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Requesting that a coat-of-arms or a shield be provided for this Legation by the Department of State.

No. 13.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 26th, 1897.

The Honourable John Sherman,

Secretary of State,

Washington, D. C.

Sir:

I have the honour to report that there is no official shield or coat-of-arms displayed at this Legation. I find that my receipt to my predecessor for a "coat-of-arms" is for one long since defaced and taken down. hence I respectfully request that a coat-of-arms or an official shield, such as is usually displayed over the principal entrance to diplomatic representatives' residences be furnished by the Department

I have the honour to be,

Sir,

Your obedient Servant,

A E Buck

No. 14.

Amst 8/17/97 C.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, July 25th, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Presenting estimates of amounts necessary to be immediately expended for preservation of U.S. Legation property, and requesting that amount be charged to fund appropriated by Act of Congress, approved February 20th, 1897.

No. 14.

LEGATION OF THE UNITED STATES,
Tokyo, Japan, July 26th, 1897.

The Honourable John Sherman,
Secretary of State,
Washington, D. C.

Sir:

I have the honour to present the following estimates of ammounts necessary, in my judgement, to be immediately expended for the preservation of the United States Legation property here and for putting the same in a better condition, with the request that I be permitted to make the expenditures as particularized, and the ammount so expended be charged to the fund appropriated by Act of Congress approved February 20th, 1897, for repairs of legation and consular premises owned by the United States and occupied by its agents, provided, of coorse, it meets your favourable consideration and approval, to wit:

1) For paving portcochère and gravelling roadway__$50.
2) Painting _____$100.
3) New flag-staff _____$50.
4) Carpets _____$150.
5) Repairs of roof of Secretary of Legation's house _____$50.

Total $400.=

1) The ground under the portcochère at the front entrance to the main Legation building is covered with gravel, but is too low, considering the approaches to it and the ov-

over-much

over-much wet weather, to be kept in proper condition for people to enter by carriage or on foot. Flagging should be put down at once, such as has been laid under the portcochère of the First Secretary's house.

The roadways through the Compound are so worn down in places that a considerable quantity of gravel is necessary to level them up sufficiently to prevent the water's standing in the depressed portions.

2) Painting. The main entrance gate building, some 75 feet in length, one end of which is the gate-keeper's dwelling and the other the messenger's, with a large gateway and massive gate between, should be painted in order to preserve the wood-work, which has stood for generations without ever having been painted.

When the Legation Residence was last painted, the inside wood-work was so poorly done, and is of such a character, especially in the large drawing room, that its repainting is necessary, in order to put the room in a condition suitable to the purpose for which it was intended to be used

Some other painting about the premises is also necessary, which can be included, I think, without exceeding the estimated cost of painting above given.

3) Flag-staff. There is an immediate necessity for a new flag-staff, in whole or in part, as the top staff is badly bent and must be renewed and the main staff must be taken down to determine whether or not it has so much decayed as to make its longer standing dangerous to the adjacent buildings. There being no guys to the flag-staff, and the main staff having been long standing, there is great danger of its being blown down by the strong winds incident to this climate. And I may add that there is no room to support the flag-staff with gu

flag-staff

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flag-staff

flag-staff with guys where it now stands without obstructing the roadway, and hence it may become necessary to put up the repaired or new flag-staff at some other point within the Compound.

4) Carpets. The carpets in the broad hall-way, of the main Legation building and upon the stairs leading from it have become so much worn by long use that they should be removed at once and new carpets laid, to present a decent appearance, as the hall has to be entered in order to reach the office of the Minister as well as the drawing-room, dining-room, etc. These carpets being the property of the United States, the renewal of them, I assume, should be at the expense of the Government.

5) Repairing roof of First Secretary's house. The roof of the house occupied by the First Secretary is out of repair and leaking badly. Hence it is necessary for the preservation of the property and the protection of its occupants that it be repaired.

I have the honour to be,

Sir,

Your obedient Servant,

J E Buck

No. 15

Dep Bureau

Ack by to Dale

DIPLOMATIC
SEP 20 1897
BUREAU

SEP 18 1897

SEP 18 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 21, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging receipt of Instructions Nos. 5 and 7.

No. 15

LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 2Ist, I897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to acknowledge the receipt of your Instructions Nos. 5 and 7, of June 26th and July 2Ist, respectively, enclosing Senate Executive Document E, 55th Congress, Ist Session, together with copy of correspondence between yourself and Mr Hoshi on the subject of the proposed annexation of Hawaii; and also confirming Mr. Dun's telegram of June 2Ist and the Department's replying one of June 25th, last.

I have the honour to be,

Sir,

Your obedient servant,



No. 16.

File

DIPLOMATIC
SEP 17 1897
BUREAU.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 23, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Confirming telegraphic Instruction of date August 11th, 1897.

No. 16.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 23, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to confirm on the overleaf your telegraphic Instruction of date August IIth, 1897, directing me to communicate to the Japanese Government Section III of the new tariff. Owing to the fact that I have not yet received a copy of the new tariff, I have been hitherto unable to comply. I shall do so immediately upon receiving it.

I have the honour to be,

Sir,

Your obedient servant,

A E Buck

Telegram received.

Washington, August 11th, 1897.

BUCK,

Minister, Tokyo.

Communicate to the Government of Japan Section Three of new tariff regarding reciprosity.

SHERMAN.

DIPLOMATIC
SEP 17 1897
BUREAU.

No. 17.

Informed Cutler

Mr Buck
Mr Pranagan

3rd. ASST. SECRETARY.
SEP 17 1897

LEGATION OF THE UNITED STATES.

Tokyo, Japan, August 23, 1897.

Rcvd Sept 18.

Mr. Buck

to the Secretary of State.

Subject:

Mr. Willard D. Baker has been appointed clerk of the Legation.

No. 17.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 23, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

Availing myself of the authority given me by the Department's Instruction No. 354, of date September 21st, 1896, I appointed, on the 4th ultimo, Mr. Willard D. Baker, to be clerk of this Legation, under the same conditions of salary and duties as were authorized in the case of Mr. Jaudon.

I have the honour to be,

Sir,

Your obedient servant,

A. E. Buck

File

DIPLOM
SEP 23 1897
BUREAU.

No. 18.

LEGATION OF THE UNITED STATES

Tokio, Japan, August 23, 1897.

Japan
9/23/97
C.

3rd. ASST. SEC'Y
SEP 25 1897

Mr. Buck,

to the Secretary of State.

Subject:

Setting forth the advisability of appointing a United States judge in Japan, who shall also be legal adviser to the Legation.

No. 18.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 23, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to submit for your consideration a matter which seems to me to be of some importance to citizens of the United States residing in Japan and to the Government in its diplomatic relations with this country.

Since my arrival in Japan, my attention has been called to the first some cases at law which have been acted upon and judicially determined by our Consuls and Consular Courts, wherein their decisions, by reason, it would seem, of a want of legal knowledge on the part of the Consuls, have been such as to subject them to adverse criticism and have resulted, in one recent and important case (that of George W. Lake), in serious diplomatic difficulties,, and in other cases in unfortunate local misunderstandings with the officials of the Japanese Government.

In this connection it may not be improper for me to say that, in my opinion, there is a necessity for the appointment of some judicial officer, independent of the Consuls and Consular Courts, who as United States Judge shall have jurisdiction for the trial of all classes of cases, heretofore and now brought

brought before the Consuls under the extraterritorial jurisdiction which the United States now has in Japan-- except a class of minor criminal cases of which the Consuls should retain jurisdiction.

American residents in Japan and their property and trade are constantly and largely encreasing, which necessarily increases litigation. They and the subjects of Great Britain have much the greater part of the business done by foreigners residing in this country.

In a conversation with the ex-Consul General, Mr. N.W. McIvor, (who has great legal ability, and as Consul General at Yokohama has been it seems most efficient and successful in the discharge of his duties, and who has become thoroughly acquainted with the Japanese laws, as well as the workings of the Consular Courts), I found that he coincided with my view of the necessity of a distinctive judicial officer of the United States in this country, and at my request he has submitted a brief upon many points to be considered in relation to this subject, a copy of which brief I have the honour to enclose for consideration herewith.

Great Britain long since recognized the importance of good legal ability in the exercise of her judicial powers in Japan, and has met the necessity in that regard in a manner somewhat similar to that herein suggested , and I learn that, when the new treaties shall take effect, it is proposed that such judicial officer shall be continued as the legal adviser of the British Minister.

In the event of the new treaties between the United States and Japan going into effect July I7th, I899, and in view of the complications which in my opinion are inevitable,

by by

by reason of the change of the judicial system from the Common Law, Consular Courts, to that of the Code Napoleon, Japanese Courts, in which case controversies will frequently come directly to the Legation for diplomatic interference, and, as I conceive, involve diplomatic difficulties concerning personal and property rights of the citizens of the United States, I think this Legation should have a legal counsellor, who should be familiar with Japanese law and practice.

In this connection, as a matter of interest in respect to the new treaty with Japan, I enclose an extract from the Japan Times of the 13th instant, relating to the defects of the judicial system of Japan, more especially referring to criminal proceedure; also an editorial extract from the Japan Gazette, a British paper of Yokohama, of the 14th instant, giving reasons for doubt whether the new treaties with Western countries will or should go into effect upon the date fixed; and also, bearing upon the same subject, I enclose a letter from Mr. J.F.Lowder, of Yokohama, taken from the Japan Times of the 19th instant. Mr. Lowder has been for many years a resident of and the leading English lawyer in Japan.

I have the honor to be,

Sir,

Your obedient servant,



Enclosures:

1. Copy of Mr. McIvor's brief.
2. Extract from Japan Times of August 13, 1897.
3. Editorial Extract from Japan Gazette of August 14, 1897
4. Letter from Mr. J.F.Lowder, as above.

Enclosure No. 1, with Mr. Buck's No. 28.

Copy. Mr. McIvor's Brief.

In Japan, under extraterritorial treaties, the authorities of the United States take full judicial jurisdiction in civil as well as criminal matters, where citizens of the United States are parties defendant.

The Consuls have by consent necessarily assumed this authority, ex officio, to organize Courts of Law. The natural confusion of ideas incident to this double capacity as Consular Commercial or Executive officials and judicial officials has led to much misunderstanding and to serious and normally unnecessary diplomatic controversy. Opportunity for such unfortunate results is often made by the fact that our Consuls themselves, while they may be excellent Consular officials, are not often professionally acquainted with the principles and practice of the law, and fail to distinguish between their right to administer remedies in their two distinct capacities.

The lack of legal information by the Consuls, often causes serious inconsistency in the practice and application of legal principle. These inconcistencies are brought out and emphacized by unfriendly criticism, which is in many cases justifiable, this criticism often taking the form of comparative criticiem since our Courts here sit, as they do not sit at home, in close juxtaposition to Courts of almost all of the legal systems of the world. This comparative criticism has a peculiarly strong effect upon the Asiatic mind. It is not suggested that our system, will not satisfactorily stand this comparison when properly expounded, but that it cannot be satisfactorily or even justly presented here by

representatives

representatives who know nothing about it, either historically or in practice. It is recognized that since Consular officers are primarily executive and commercial officers it would probably be ill advised to send lawyers to each of the posts, and impossible to obtain the service of active and efficient practitioners for the compensation at the command of the Government.

We have but three Consular posts in the Empire of Japan, and, therefor, but three Courts; there are many other districts of the Empire, widely separated, in which citizens of the United States are permitted to, and do , reside and do bussiness (take, for instance, the large open port of Hakodate where the United States has citizens; it is situated about six hundred miles from Yokohama,at which place the nearest United States Court is located) and travel is by no means so rapid or conveniently provided for as it is in America. The practical result of our present system is that districts other than the three ports at which Consuls are stationed, are without a forum in which claims against citizens of the United States, either civil or criminal can be tried, because their commercial business with us is not sufficient to warrant or require the appointment of a commercial representative; we have taken from Japan her jurisdiction over our citizens, and it might be urged that this imposes upon usat least a moral obligation to replace it so far as reasonably possible with Courts competent to exercise jurisdiction. If a Japanese living in Hakadote, for instance, has a claim against one of our citizens residing in the same place amounting to Yen 100., it would cost him more than that amount to bring the claim,withhis his witnesses,before the Court at Yokohama, and, even if he

obtained

obtained a judgement, these preliminary expenses cannot be included in the judgement for costs; thus may the ends of justice be defeated.

It is respectfully suggested that these difficulties could be avoided, without creating several new and commercially unnecessary posts, by separating the Consular and judicial functions, leaving with the Consuls only so much of their present judicial function as will enable them to exercise police and preliminary jurisdiction, and appointing one competent judge to "ride the Circuit" and take charge of our judicial work in Japan, holding terms of Court in all the open ports where our citizens reside.

Our growing trade and the encrease in the number of our residents have led to a proportional encrease not only in the number of cases for trial but in the importance and technicality of the questions presented.

It is further suggested that since the diplomatic relations of the United States with Japan are daily becoming more important and technical, this judicial appointee could be attached to the Legation of the United States as the adviser and assistant of our representative, whenever desired by him, in in matters involving a construction of International, treaty, and local law.

If it is urged that the taking effect of the new treaties will soon make it unnecessary to provide for judicial jurisdiction, it might be answered that it is by no means certain that our jurisdiction will terminate in 1899, and if it should, it would be well to establish a sound, consistent and creditable exposition of our legal practice and principles in the hope that the Japanese may be led to adopt more or less

of

of the spirit of our system, for the benefit of our people when they assume the full jurisdiction, but, in any event, upon the happening of such a contingency as the full transferance of jurisdiction, with all the personal and property rights which will be involved in such a change, not only of jurisdiction but of the system of law and rules for the application of principle, it would be found to be most advantageous to have at the Legation, the assistance of this appointee in his secondary capacity, since his training and experience in international law, treaty law and local law, would be most valuable and possibly necessary to any Minister in office in the many matters which must come up as the result of the complete and immediate change from the Common Law System to one which is practically that of the Code Napoleon.

Enclosure No. 2 with Mr. Buck's No. 18

THE REVISED TREATIES AND THE JUDICIAL SYSTEM.

In the first number of the *Ben-goshi Kyo-kai Rokuji* (Report of the Proceedings of the Japanese Law Association), the Hon. Taizo Miyoshi, ex-President of the Court of Cassation, has a timely article on the above subject. Our judicial system, says Mr. Miyoshi, needs reform in more respects than one. In respect of Criminal Procedure the demand for immediate reforms is imperative. He then goes on to enumerate the defects in our Criminal Procedure as follows:—

1. Examination of the accused.—The only true basis upon which the accused should be examined is, not that he should be made to confess that he has committed the crime with which he is charged, but that he should have an opportunity to clear himself of suspicion, and to make statements which may turn to his own advantage. When, therefore, the accused is about to be questioned by the Court, he should be told that certain questions are going to be put to him in respect of such and such a charge, and that he is at entire liberty to choose for himself whether to answer the questions or not. It is to be regretted that there are a few judges who do not understand this point.

2. Preliminary Examination.—In the Western countries the accused is permitted to retain lawyers at any stage of proceedings. It is a defect in our procedure that we do not allow the attendance of advocates at preliminary investigations.

3. Privileged Communications.—The disclosures made by the client to his lawyer are called privileged communications. It is the lawyer's duty to keep these communications secret, and at the same time it is his right to refuse to testify concerning them in Court. In Western countries officers are not, as a rule, allowed to follow the lawyer into his client's cell. Our system of requiring the attendance of an officer at the interview of the lawyer with the accused, tends to deprive the lawyer of his opportunity of learning the whole truth about the case of his client.

We (*Japan Times*) agree with the learned ex-Chief Justice regarding these points. Our readers are aware, no doubt, that the Code of Criminal Procedure is undergoing the process of revision. We have no doubt that the authorities will take these comments of the learned gentleman into their consideration.

Japan Times,
Aug. 18, 1897.

Enclosure No. 3. with Mr. Russo's No. 68

The Japan Gazette.

YOKOHAMA, 14TH AUGUST, 1897.

A DROWNING man, it is said, will catch at a straw. The Englishman, handed over by his own authorities by a Treaty that is vague, to a jurisdiction that is unwelcome, clutches eagerly at the faintest hope of the postponement of the day when he will be deprived of the privilege of British protection. For our part, the Treaty being so wretchedly drafted that we do not even know if the *Gazette* will have the right to exist when we pass under Japanese rule, any sign is welcome that promises to defer the disagreeable. There are some faint prospects that July 1899 will not witness the accomplishment of what the Japanese themselves do not appear very anxious to see realized, and of what the average foreigner decidedly distrusts. We have never more admired the democratic institutions of France than when the Senate Committee, viewing the new Treaty, as clear-headed business men, and paying due attention to the just representations of their nationals, insisted that a Treaty on a footing of equality meant equal privileges. That showed an interest in the welfare of their countrymen abroad, which was wholly lacking in the British Parliament, which contemptuously ignored the national claims of Englishmen in Japan. Whether in the end the French Senate will succeed in obtaining equitable privileges identical with those the proposed Treaty concedes, it is of course impossible to forecast. But as long as France, Austria and Switzerland hold out, there is always the chance of Revision being postponed. A shrewd observer, qualified to judge, gives it as his opinion that the Treaties will not come into force for at least another five years. His opinion is based on the delay in completing negotiations with the countries already mentioned, and on the fact that Japan herself will not be ready to assume jurisdiction, nor willing to throw open the interior to that exploitation by foreign capitalists which is certain to ensue. That his conclusions may prove well founded is a consummation devoutly to be wished. How far the assumption as to unreadiness of Japan is accurate, may be gauged by a reference to the article in the *Ben-goshi Kyokai Rokuji*, from the pen of Mr. Miyoshi, ex-President of the Court of Cassation. He points out that the Code of Criminal Procedure needs revision. It seems that in the preliminary examination the person charged is questioned with a view to making him convict himself. Secondly, in these preliminary enquiries he is not allowed a lawyer, and thirdly, when he is entitled to the services of a legal expert, the interviews can only be conducted in the presence of a prison or court official. These defects are not dwelt upon by an Englishman, prejudiced in favour of his own forms of Criminal Procedure, but by an experienced judge who is impressed with the disadvantages with which such a system is fraught, and desirous of averting the friction he deems inevitable unless drastic reforms are introduced. A Tokyo paper while agreeing that reforms are necessary mentions that these are already being instituted as the Code is undergoing revision. That may be true, but even after revision it will require a considerable period before smooth working can be guaranteed. Nor is that all. The police organization appears to require a thorough overhauling. The recent instance of the Tokyo police being helpless to protect property in the heart of the metropolis, shows what grave risks might be run by foreigners residing in the interior. Any dispute would be intensified by race-hatred. If the whole population in Sendai is disturbed because a Mr. Dening has appealed to his Minister against the levying of an income-tax, we know what might be expected if a foreign tobacconist found himself in the position of Messrs. Murai Bros. If then the Japanese are not prepared, and some foreign countries are still hesitating, is it too sanguine to suppose that the year 1899 will pass and find foreigners still under the protection of their respective governments? The revision of the tariff need not await transfer of jurisdiction. No-one wishes to deprive Japan of the addition to her revenue to which she is entitled.

...TIONAL LAW.

To the Editor of the "Japan Times."

Sir,—It is gratifying to learn from a paragraph in a recent issue of *The Japan Times* that the study of Private International Law, or, as English and American writers usually call it, The Conflict of Laws (both of which terms are open to criticism), is receiving in Japan the attention that must necessarily be given to it if the Courts of this country are to become equal to the demands that will shortly be made upon them for the administration of justice in the sense understood by foreigners. It was, among other things, the fear lest the principles of this branch of law might be ignored which prompted the opposition to the abolition in Japan of the exterritorial jurisdiction exercised by our Courts. When we speak of Private International Law, or the Conflict of Laws, what we really refer to is the full recognition by the Courts of a given country, say Japan, of rights acquired in a foreign country, say France; or, as Professor Holland calls it, "the extra-territorial recognition of rights;" —and the doubt in the minds of foreigners in Japan has been (perhaps is), whether cases coming for decision before Japanese Courts would not be arbitrarily decided by the local or territorial law, when the law properly applicable would be, not that law, but the law of another country. The position is well illustrated by Sir William Scott in his well-known judgment in the case of Dalrymple *v.* Dalrymple, where a question arose as to the law regulating the validity of a marriage celebrated in Scotland; and as this question was being "entertained in an English Court," said the Judge, "it must be adjudicated "according to the principles of English law, "applicable to such a case. But the only "principle applicable to such a case by the "laws of England is, that the validity of Miss "Gordon's marriage rights must be tried by "reference to the law of the country where, "if they exist at all, they had their origin. "Having furnished this principle, the law of "England withdraws altogether, and leaves "the legal question to the exclusive judgment "of the law of Scotland." Would the Courts of Japan recognize this principle, and, recognizing it, enforce rights acquired under it, after the revision of the treaties? For if they would not, injustice must inevitably result. This, as I have said, has been among our fears; and as you informed us last week that the study of Private International Law has only "recently been made compulsory upon "all law students, being now one of the sub-"jects upon which they are examined for "admission to the judiciary and the bar," it must be admitted that the fears entertained and expressed by us were not unfounded.

My object in addressing you is not to provoke controversy; on the contrary, as I was among the foremost of those who publicly opposed the revision of the treaties, it is right that I should be among the first to recognize the efforts that are being made, however tardily, towards remedying, and, let us hope, eventually removing one of the reasons upon which that opposition was based. Other reasons, very grave and serious ones, connected with the liberty of the subject and the administration of the criminal law, have been recently referred to in your columns by ex Chief-Justice Miyoshi; and I hope that the time is not far distant when they also may be removed from the list of stumbling blocks to the full recognition of the inauguration of a new era in the administration of justice in Japan.

I trust it may not be considered presumptuous if I take this opportunity of expressing appreciation of the moderate tone of your paper in the discussion of questions affecting foreigners in Japan. Other writers would follow your example to the profit of Japanese and foreigners alike.

Very faithfully, J. F. LOWDER.

Yokohama, 16th Aug., 1897.

DIPLOMATIC
SEP 17 1897
BUREAU.

No. 19.

3rd. ASST. SECRETARY
SEP 17 1897

Mr. Smith
Mr. Terry

INDEXED
SEP 17 1897
DEPT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 24, 1897.

Acted, and
Ltr Tray 9/21/97 C

Mr. Buck

to the Secretary of State.

Subject:

Forwarding Résumé Statistique de l'Empire du Japon(2 copies); and also, Annual Report of the Central Sanitary Bureau (2 copies).

No. 19.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 24, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to transmit under separate cover two copies of the Résumé Statistique de l'Empire du Japon, 30e Annee de Meiji (1897)*; also two copies of The Annual Report of the Central Sanitary Bureau# attached to the Home Department of the Imperial Japanese Government, for the 26th and 27th years of Meiji (1893-1894), which has just been published.

I have the honour to be,

Sir,

Your obedient servant,

H. E. Peck

* one copy to Treas.; and one to Bur. For. Stat. } 9/21/97
one " " " " " " Library. } C

DIPLOMATIC
SEP 20 1897
BUREAU
SEP 18 1897
INDEX BUREAU
SEP 17 '97
DEPT. OF STATE

Dep Bureau

No. 20.

LEGATION OF THE UNITED STATES.

Tokyo, Japan, August 24, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Enclosing translation copies of the Emperor's replies to the addresses of Mr. Dun and of Mr. Buck.

No. 20.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 24, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to enclose herewith a translation copy of the Emperor's reply to Mr. Dun's address on the occasion of his presenting his letter of recall; and also a translation copy of the Emperor's reply to my remarks upon the occasion of presenting my letter of credence.

I have the honour to be,

Sir,

Your obedient servant,

J. E. Buck

Enclosures:

I. Translation copy of the Emperor's reply to Mr.Dun's address.

2. Translation copy of the Emperor's reply to Mr.Buck's address.

Enclosure No.I, with Mr.Buck's No.

Translation Copy of Imperial Address to Minister Dun.

We are informed by your letter that the President of the United States has been pleased to recall you from your post as Envoy Extraordinary and Minister Plenipotentiary near the Court of Japan.

We are much gratified that through your diligent performance of the duties of your office during the several years that you have resided in our country, the friendly relationship between Japan and the United States has daily become more and more cordial.

On your return to your country we hope you will present the assurances of our highest esteem to the President.

Enclosure No.2, with Mr.Buck's No.

Translation Copy of Imperial Address to Minister Buck.

We are informed by your letter of credence that the President of the United States has been pleased to appoint you to reside in this country as Envoy Extraordinary and Minister Plenipotentiary near the Court of Japan.

In receiving it, we trust that you will, Mr.Minister, in the performance of your duties of office, endeavour to render more and more perfect the friendly relations existing between the two countries.

No. 21.

INDEX BUREAU
RECD
SEP 28 '97
DEPT OF STATE

File

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 1, 1897.

Mr. Buck

to the Secretary of State.

Subject:

A copy of each of the two Acts of the Washington Universal Postal Congress ~~to which the Japanese Government~~ agreed has been delivered to that Government.

No. 21.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September I, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

Referring to the Department's unnumbered Instruction, of date July 24th, last, enclosing a certified copy of each of the two Acts of the Washington Universal Postal Congress to which the Japanese Government agreed, I have the honour to inform you that these have been delivered to that Government.

I have the honour to be,

Sir,

Your obedient servant,

A E Buck.

No. 22.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, September I, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Section III of the new tariff, regarding reciprocity has been communicated to the Japanese Government.

No. 22

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September I, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to inform you that, in compliance with your telegraphic Instruction of date the IIth ultimo, I have communicated to the Japanese Government Section III of the new tariff, regarding reciprocity.

I have the honour to be,

Sir,

Your obedient servant,

W. E. Buck

No. 23

File



LEGATION OF THE UNITED STATES,

Tokyo, Japan, September I, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging receipt of three copies of "An Act To provide revenue for the Government and to encourage the industries of the United States."

No. 23

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September I, I897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

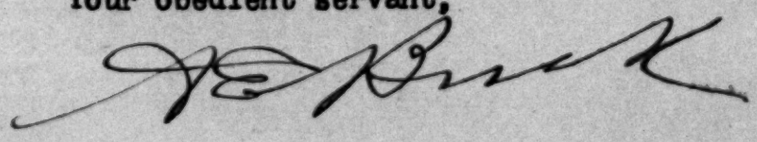
Sir:

I have the honour to acknowledge the receipt of the Department's unnumbered Instruction, of date July 27th, last, enclosing three copies of "An Act To provide revenue for the Government and to encourage the industries of the United States," approved July 24th, I897.

I have the honour to be,

Sir,

Your obedient servant,



No. 24.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, September I, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Three copies of the Treasury Department's Circular No. 88 have been delivered to the Japanese Government.

No. 24.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 1, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

Referring to the Department's unnumbered Instruction, of date July 26th, last, transmitting three copies of the Treasury Department's Circular No. 88, concerning rules to prevent collisions at sea, I have the honour to inform you that these have been delivered to the Japanese Government.

I have the honour to be,

Sir,

Your obedient servant,

A. E. Buck

No. 25.

File

INDEX BUREAU
REC'D.
SEP 29 '97
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September I, I897.

Mr. Buck

to the Secretary of State.

Subject:

Confirming Mr. Sherman's telegraphic Instruction, of date August 26, I897.

No. 25.

LEGATION OF THE UNITED STATES

Tokyo, Japan, September 1, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to confirm on the overleaf your telegraphic Instruction, of date the 26th ultimo, directing me to deliver to Mr. Hamlin the information from the Treasury Department (relative to fur seals) embodied in that Instruction.

I shall deliver the information to Mr. Hamlin immediately upon his arrival here.

I have the honour to be,

Sir,

Your obedient servant,

Edwin Dun

Reading of cipher telegram received.

Washington, August 26, 1897.

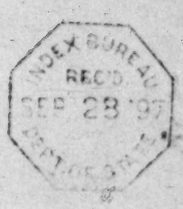
"BUCK,

"Minister, Tokyo.

"When Hamlin arrives deliver following from Treas-
"ury Department:- Jordan reports breeding herd about twenty-
"one thousand less than last year. Twenty thousand six hun-
"dred killables taken. Shrinkage for next year still great-
"er from destruction unborn pups. If no more were killed at
"sea shrinkage must still go on till nineteen one. Condition
"herd really more critical than supposed last season. Brand-
"ed cows return well marked."

"SHERMAN."

No. 26.



DIPLOMATIC
SEP 29 1897
BUREAU.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 2, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging the receipt of the Department's circular Instructions, of date July 17th and July 29th, last, respectively; and an unnumbered Instruction of date July 23d, last.

No. 26.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 2, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to acknowledge the receipt of the following Instructions:- The Department's Circular Instruction of date July 17th, last, calling for a report on postal telegraphs, telephones, and postal savings banks; an unnumbered Instruction of date July 23d, last, requesting information of any enactments or orders in Japan having the effect of extending special grants or bounties to merchandise exported to the United States: also, the Department's circular Instruction of date July 29th, last, calling for a copy of the tariff, including export duties (if any), the customs regulations, and any bounty legislation relating to exports or domestic products in Japan.

The information called for by these Instructions will be furnished with the least possible delay.

I have the honour to be,

Sir,

Your obedient servant,

A E Buck

ASSISTANT SECRETARY
SEP 29 1897
INDEX BUREAU
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DEPT OF STATE

DIPLOMATIC
SEP 29 1897
BUREAU.

No. 27.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 2, 1897.

Rec'd and
to Min. to Hawaii
Sept. 30/97
C

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging the receipt of the Department's No. 9, and on the Hawaiian immigration question and its reference to arbitration.

No. 27.

Confidential

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 2, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to acknowledge the receipt of your Instruction No. 9, of date July 30th, last, informing me of an inquiry made of the Japanese Minister in Washington by the Department of State, as to whether the Japanese Government was disposed to refer the immigration question in Hawaii to the arbitration of a third party, and of the reply of the Japanese Secretary of Legation thereto; and, also, instructing me to "advise the Department of anything that may come to my know-"ledge in this relation, using my kindly offices in all cir-"cumspect and proper ways to further so desirable a solution "as the reference of the immigration question to arbitration."

In compliance with these instructions, I have the honour to state, for the information of the Department, that upon my arrival here, I found some excitement over the immigration question manifested by the Japanese press and people—in which however, the officials of the Japanese Government did not seem to share to any considerable degree.

I

I was very soon interviewed on the subject by some officials of the Government and representatives of the press, who assumed that I had received from my Government instructions touching that matter. While correcting the impression that I had received such instructions, I at once took occasion to express my views of the importance of a friendly adjustment of the difference over the immigration matter between Japan and Hawaii.

I have continued, as opportunity has offered, in personal intercourse at official and social functions with members of the Foreign Office, as well as with the Minister President of State, and others, to express the hope of an amicable settlement of the Hawaiian immigration question by arbitration or otherwise. In doing this I have felt authorized to assure them of the strong friendship of the Government and people of the United States and of their great desire for a peaceful solution of all controversies between Japan and Hawaii. I have been glad to find that my expressions on the subject seemed to be well received.

I take this occasion to confirm the report of the Japanese Secretary of Legation in Washington, quoted in the Instruction under reply. As to the terms and conditions which have been formulated and forwarded to the Japanese Minister in Hawaii, to be submitted by him to the Hawaiian Government, I have been unable to learn further than that the King of Belgium is suggested as arbiter and that it is insisted that other questions between the two Governments, in addition to the immigration question, be submitted therewith.

A

A few days since, I was informed by the Hawaiian Minister to Japan, who has recently returned to this country, that he has advised his Government to send a special Commissioner, with power to act, who shall propose to settle the immigration question by an agreement with the Japanese Government, by which whatever sum may be agreed upon as sufficient , shall be paid to them as an indemnity to cover the loss and damage to Japanese subjects occasioned by the denial to the immigrants in question of the right to land, and by their being compelled to leave Hawaii on the ships by which they had come. The Hawaiian Minister expresses the hope that such a Commissioner will be sent, and that he will settle the immigration controversy at once, avoiding, thereby, the delay and great expense that must necessarily be incurred in settlement by arbitration.

I am informed on good authority that the sum necessary to effect a settlement with the Japanese Government without arbitration would probably not exceed $100,000.(gold).

It may be proper for me to state in addition that some weeks ago it was intimated to me that the Minister for Foreign Affairs desired to confer with me especially upon the subject of the Hawaiian immigration matter, and that he would ask for an interview. I expressed a willingness to meet him at such time as should suit his convenience. I was afterwards informed that probably the interview would not be sought till after hearing from the Hawaiian Government in response to the conditions to be submitted to that Government by Japan. As no reply has yet been received from Hawaii and none is expected

for

for some days to come, no interview with the Minister for Foreign Affairs will take place untill such reply is received, and then, if at all, at his instance.

You may be assured that, under your instructions, I shall lose no opportunity to do what I can, in the manner suggested by them, to further the solutuon by reference to arbitration of the immigration question.

I have the honour to be,

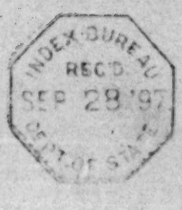
Sir,

Your obedient servant,

T. E. Buck

DIPLOMATIC
SEP 29 1897
BUREAU.

No. 28.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 3, 1897.

Confidential

Aekr and
to min. to Hawaii
Sepr. 30/97
C.

Mr. Buck

to the Secretary of State.

Subject:

Mr. Buck's observations and opinion concerning the attitude of the Japanese Government and people toward the proposed annexation of Hawaii by the United States.

No. 28.

Confidential

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 3, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to inform the Department that upon my arrival at my post I found considerable excitement among the people, as expressed through the Japanese press, over the submission of the Treaty of Annexation of Hawaii to the Senate of the United States. Notwithstanding which, my reception by the Minister for Foreign Affairs and other officials of the Japanese Government and by all persons with whom I have come in contact has been very cordial. In all social and official functions, I have observed nothing on the part of any official of this Government that indicated anything but a friendly feeling toward the United States; though regrets have been expressed in regard to the high rates of duty imposed upon some of the chief articles of export from this country, as also that the Government of the United States had proposed to annex the Hawaian Islands. I am happy to say that the feeling of excitement above mentioned has now greatly abated.

While the question of the annexation of the Hawaian Islands

lands has not been a matter of discussion between the Japanese Minister for Foreign Affairs and myself, I have been unofficially assured by an influential person connected with the Foreign Office that there is no danger of a rupture between Japan and the United States as a consequence of the annexation of the Islands. I am also, assured by some of the most influential Japanese eubjects, not officially connected with the Government, that the majority of the people of Japan, as well as most, if not all, of the members of the Cabinet, believe that they have no just cause for any hostile attitude toward the Unite States. From all information that I can obtain, my opinion is that Japan has protested and will continue to protest against the annexation of the Hawaian Islands, with a view to securing what she conceives to be the rights and privileges of her subjects in Hawaii——such rights and privoleges as she assumes that, under the stipulations of the Treaty and by the Emigration Convention with the Hawaian Government, they now have——and, if possible, to obtain such concessions from the United States as shall guarantee them.

I am quite convinced that the Government of Japan regards the annexation of Hawaii to the United States as a foregone conclusion, and that, if the United States shall concede and guarantee to Japan, to a good degree, what she has or may claim that she has as her rights under the provisions of her Treaty and Convention with Hawaii, and shall assume to pay or cause to be paid such indemnity as may be agreed upon between

the

the two countries in settlement of the immigration question, or such as may be determined by arbitration, Japan will cease to make further protest.

From statements by prominent and well informed persons here, Japanese and others, I am inclined to the opinion that the attitude taken by the Japanese Government in so hurriedly sending a warship to Honolulu, upon the refusal of the Hawaian Government to permit certain Japanese immigrants to land there, nad in so vigourously protesting against the Treaty of Annexation of the Islands, was from what the Government conceived to be a political necessity, on account of the formidable opposition in this country to the present administration of the Government, and the consequent fear of the overthrow of the Cabinet, rather than done from any profound conviction of the necessity of so doing in order to secure the rights of Japan or her subjects in the Hawaian Islands.

Notwithstanding the vigour with which the Japanese Government has pressed her claims upon the Hawaian Government for what she considers to be a breach of treaty rights by that Government, and notwithstanding the strong protest against the annexation of the Islands, from all information I can obtain, a change in the personnel of the present Cabinet may quite soon take place.

I have delayed making any statement to the Department concerning the situation here in respect to the question of the annexation of Hawaii to the United States until I could feel confident that I understood the real sentiment and pur-

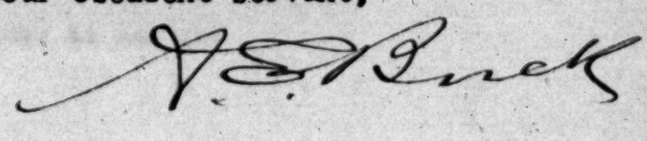
pose

pose of the Japanese Government and people. Believing now that I have formed a correct opinion upon that subject, I respectfully submit my conclusions.

I have the honour to be,

Sir,

Your obedient servant,



Acknowledged Sept 30th 97.

UNITED STATES LEGATION,
TOKIO.

Sept 3d.

Sept: 6, 1897.

Hon: Thomas W. Cridler.

Asst. Secy. of State.

Washington, D.C.

3rd. ASST. SECRETARY
SEP 27 1897

Sept 3,

My Dear Sir:-

In the hurry to get my despatch No. 22 concerning the situation as relates to the question of the annexation of Hawaii, I find that it was not marked confidential as intended.

I send this note by open mail with the request that you will kindly have the despatch so marked, and oblige.

Hoping that this note will be received by the same mail as the despatch, I am

Very respectfully and truly yours.

W. A. Buck

P. S. This matter not being

of Sufficient importance
to require a formal dis-
patch, I take the liberty
to write in our un-
official way.

Frank

3rd. ASST. SECRETARY.
SEP 28 1897

Dear Martin

Has this been received

Ribbon -

I came yesterday. Sept 28.

confirm

TELEGRAM RECEIVED.

DIPLOMATIC
SEP 9 1897
BUREAU.

From Tokio

September 8, 1897.

Sherman

Received 1.22 P. M.

Washington.

Cont. Sept. 10

September 8. Minister for foreign Affairs of Japan will send delegates; Will confer about giving instructions on reading report Thompson and Jordan. Hamlin sails on September 23. Can Conference be postponed October 18 ? Will you use every exertion for consideration of preservation sea otter ? This Government earnestly concerned in it, though making no conditions.

Buck.

(Deciphered by King, Sept.8, 1897: 2.20 P. M.)

DIPLOMATIC
OCT 8 1897
BUREAU.

No. 29.

INDEX BUREAU RECD. OCT 6 '97 DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokio, Japan, September I3, I897.

Ack'd and
To Navy Dpt.
Oct 11/97
C.

Mr. Buck,

to the Secretary of State.

Subject:

Correspondence on the subject of saving the lives of three Japanese sailors by the officers and crew of the U.S.S."Boston."

No. 29.

LEGATION OF THE UNITED STATES,

Tokio, Japan, September 13, 1897.

Honorable John Sherman,

Secretary of State,

Washington.-

Sir:

I have the honor to enclose herewith copies of correspondence on the subject of the saving of three Japanese sailors by the officers and crew of the U.S.S. "Boston", as follows:

1) Count Okuma to Mr. Buck, September 3, 1897.
2) Mr. Buck to Count Okuma, " 4, "
3) Mr. Buck to Captain Wildes, " 4, "

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosures:

Three as above noted.

Enclosure No. 1 with Mr. Buck's No.

Count Okuma to Mr. Buck, September 3, 1897, - Copy.

Department of Foreign Affairs,
Tokio, September 3, 1897.

His Excellency,

Alfred E. Buck,

etc., etc., etc.

Monsieur le Ministre,

I am in receipt of a report from H.I.J.M's Consul at Chefoo, China, to the effect that the U.S.S."Boston", whilst navigating near the coast of Tsushima, on the night of the 29th July last, came into collision with a Japanese junk which was in distress on account of bad weather and without light, resulting in the sinking of the latter; and that the three persons who were on board the junk were rescued by the U.S.ship and delivered to the said Consul on her arrival at Chefoo, on the 16th instant.

According to the said report it appears that the "Boston" stopped in spite of the violent storm prevailing at the time, and lowering her boats, finally rescued these men after great efforts, and that moreover, whilst on board the ship they were well cared for and otherwise very kindly treated.

I highly appreciate the kindness thus shown towards the sufferers, and beg that Your Excellency will be good enough to convey my sincere thanks for the same to the Captain, and the officers and crew concerned in the matter.

I

I avail myself of this occasion etc., etc.

(Signed) Count OKUMA SHIGENOBU

Minister for Foreign Affairs.

Enclosure No. 2 with Mr. Buck's No.

Mr. Buck to Count Okuma, September 4, 1897.- Copy.

LEGATION OF THE UNITED STATES,

Tokio, September 4, 1897.

His Excellency,

Count Okuma Shigenobu,

etc., etc., etc.-

Sir:

I have the honor to aknowledge the receipt of Your Excellency's Note of date the 3rd instant, in which you state that the U.S.S."Boston", during a violent storm on the night of July 29th last, while navigating near the coast of Tsushima came into collision with a Japanese junk, sinking the latter; that in spite of the storm the "Boston" stopped, lowered her boats, and finally rescued the Japanese crew after great effort; that the sufferers were kindly treated on board the "Boston" and finally delivered to the Japanese Consul at Chefoo on arrival at that port.

I am highly gratified to receive the report of such humane conduct on the part of citizens of the United States towards Japanese subjects, and will take great pleasure in forwarding Your Excellency's expressions of thanks and sincere appreciation to the Captain, officers, and crew concerned.

I avail myself etc., etc..

(Signed) A. E. BUCK.

Enclosure A with Mr. Buck's No. 23

Mr. Buck to Captain Frank Wildes, U.S.N., Sept.4, 1897.

LEGATION OF THE UNITED STATES,

Tokio, September 4, 1897.

Captain Frank Wildes, U.S.N.,

Commanding U.S.S."Boston".-

Sir:

I enclose herewith copy of a Note , of date the 3rd instant, from H.E. Count Okuma Shigenobu, H.I.J.M's Minister for Foreign Affairs, reporting the saving of three Japanese sailors by the "Boston" during a violent storm on the night of July 29th last, and expressing his sincere thanks for and high appreciation of the kindness of the Captain, officers and crew of that ship. I enclose also a copy of my reply thereto.

I am highly gratified to hear of such gallant conduct on the part of yourself and the officers and men of your ship towards Japanese subjects, and will take pleasure in transmitting a copy of the above mentioned correspondence to Washington by the next mail.

I am, Sir,

Your obedient servant,

(Signed) A. E. BUCK.

United States Minister.

Enclosures:

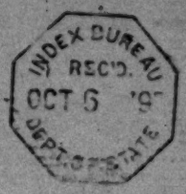
Two as above noted.

Aska 10/8/97 C.

Dep Bureau

DIPLOMATIC
OCT 6 1897
BUREAU.

No. 30



LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 15, 1897.



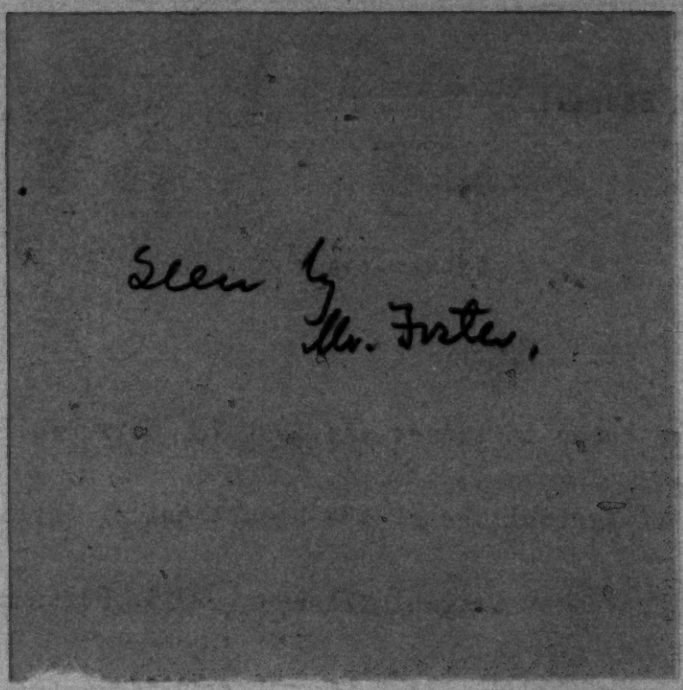
Mr. Buck

to the Secretary of State.

Subject:

Japanese Delegates to Seal Conference will arrive at San Francisco on October 7th.

TEDS.


Seen by
Mr. Foster.

No. 30.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 15, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that Mr. Shiro Fujita, Director of the Bureau of Agriculture of the Department of Agriculture and Commerce, and Professor Kakichi Mitsukuri, PH.D., Professor of Zoology in the Imperial University, have been appointed to represent Japan at the Seal Conference to be held at Washington next month.

The Japanese delegates, in company with Mr. Charles S. Hamlin, Special Commissioner of the United States, will sail from Yokohama on the 23rd instant by the S. S. "China", which vessel is expected to arrive at San Francisco on October 7th.

I have the honor to request that the customs authorities at San Francisco may be instructed to extend to these gentlemen all possible courtesies.

I have the honor to be,

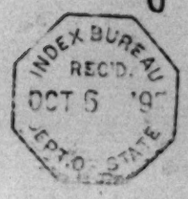
Sir,

Your obedient servant,



DIPLOMATIC
OCT 6 1897
BUREAU.

file



No. 31.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 15, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Readings of cipher telegrams.

No. 31.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 13, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith the readings of the Department's cipher telegrams dated the 3rd and 9th instant; and of my telegraphic despatch dated September 8th, 1897.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck

Enclosures:

Readings of three cipher telegrams as above.

Enclosure No. 1 with Mr.Buck's No. 31

Reading of Cipher Telegram from Mr.Buck to Secretary of State, of date September 2nd, 1907.

Buck.

Minister, Tokio.

Charles H.Hamlin Special Commissioner, sailed Vancouver 25th ultimo. Have sent one of Legation meet him at Yokohama.

SHERMAN.

Enclosure No2 with Mr.Bunk's No.31
Reading of Cipher Telegram from Secretary
of State to Mr.Bunk,of date September 9th,1909.

Bunk.

Minister,Tokio.

Conference may convene a few days before October eighteenth, but no conclusion or action before that date. United States will co-operate to secure regulations for protection of sea otter.

KNOX.

Enclosure No. 3 with MacMurray's No. 31

Reading of Cipher Telegram from MacMurray to Secretary of State, of date September 8th, 1922.

Cipher Telegram from Secretary of State to Mr. Buck, of date September 8th, 1922.

Shanghai

Washington.

Minister for Foreign Affairs of Japan will send delegates. Will confer about giving instructions on reading report Thompson and Jordan. Hanlin calls on September 25, can conference be postponed October eighteenth? Will you use every exertion for consideration of preservation sea otter? This Government earnestly concerned in it though making no conditions.

HUGHES.

Buck subject
Spell

ASSISTANT SECRETARY
OCT 8 1897
DEPARTMENT OF STATE

DIPLOMATIC
OCT 11 1897
BUREAU.

INDEX BUREAU
RECD.
OCT 5
DEPT. OF STATE

No. 32.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 18, 1897.

Acked Oct 12 1897

Mr. Buck

to the Secretary of State.

Subject:

Arrest of Chinese from British vessel by Japanese authorities.

No. 32.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 15, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to bring to your attention a peculiar question in the law of extra-territoriality now at issue between the British and Japanese authorities.

On the 21st ultimo six Chinamen, enrolled as servants on a British man-of-war, left their vessel in the port of Hakodate and, in company with other Chinese resident in Hakodate, engaged in a gambling game within the foreign settlement of the city. For this violation of law the entire party was arrested by the Japanese police and lodged in the Japanese gaol. The British Consul at the port immediately protested against the arrest and confinement of the six Chinese from the ship, denied the jurisdiction of the Japanese authorities and claimed it for the British Crown, on the ground that the men in question as duly enrolled seamen on a British Man-of-war were subject only to British jurisdiction in countries where Great Britain had extra-territoriality. The contention of the Consul was supported by the British Chargé d'Affaires here, who lodged a protest at the Foreign Office against

the action of the Japanese authorities and asked that all proceedings be stopped pending the receipt of instructions from his government.

The Japanese Government replied to the protest, claiming sole jurisdiction, and refusing to interfere with the proceedings of the Hakodate court.

The offending Chinamen were subsequently tried by the Japanese Court and entenced each to fifteen days confinement.

I have the honor to enclose herewith a clipping from the "Japan Mail" upon the subject.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck

Enclosure:

Clipping from "Japan Mail".

The Japan Daily Mail.

YOKOHAMA, FRIDAY, SEPT. 3, 1897.

THE HAKODATE JURISDICTION AFFAIR.

The six Chinamen, employés of British men-of-war, who were arrested by the Japanese police in Hakodate for gambling, have been sentenced to 15 days' imprisonment by the local authorities. It is understood that a protest was lodged by Her Britannic Majesty's Representative—acting, doubtless, under instructions from the home Government—against the assumption of jurisdiction by the Japanese authorities in this case, but in spite of the protest, jurisdiction was assumed and exercised. We are unable to discover any reasonable grounds for the protest. A moment's consideration will show that a man's connexion with a British man-of-war does not, under ordinary circumstances, constitute any obstacle to the assumption of jurisdiction over him by the civil power of a foreign country. Suppose that a British war-ship visited a German port, and that some of her crew, going on shore, were apprehended by the police in the act of violating German law. Is there the slightest doubt about the tribunal before which they would be arraigned? Of course not. They would be tried and punished by a German Court. The same is true, *mutatis mutandis*, of a German war-ship in a French port, or a French war-ship in an English port, and so on. In no Occidental country does the fact that a man is serving in a foreign war vessel exempt him from the jurisdiction of the civil courts of that country with respect to a violation of its laws committed on shore. If, then, exemption be claimed under such conditions in Japan, the claim must rest on exceptional grounds, namely, that Japan has conventionally surrendered a portion of her jurisdiction to certain foreign Powers: in other words, the claim must be based on our old friend, extraterritoriality. By treaty Great Britain has acquired the privilege of exercising criminal jurisdiction over her subjects in Japan. Everybody is familiar with that fact. The words of the Treaty are "British subjects who may commit any crime, &c., shall be tried and punished by the Consul, &c." So, then, the question narrows itself to this:—Were these six Chinamen "British subjects" in the sense contemplated by the Treaty? In the Orders in Council we have definitions of what is meant by "British subject" for the purposes of Consular jurisdiction. The China and Japan Order of 1881, says:—

> In this Order, "British subject" means a subject of Her Majesty whether by birth or naturalization.
>
> "Foreigner" means a subject of the Emperor of China or of the Mikado of Japan, or a subject or citizen of any other state in amity with Her Majesty.

There is nothing here that can possibly be construed as conferring the title of British subject on the Chinamen arrested in Hakodate. On the contrary, the language of the Order is explicitly fatal to any such title. Turning, however, to a later Order—that of 1884—we find an amplification of the definition.

> The expression "British subject" shall include a British protected person in so far as by Treaty, capitulation, grant, usage, sufferance or other lawful means, Her Majesty has jurisdiction in relation to such person in China, Japan and Korea respectively.

Can the six Chinamen be regarded as "protected persons" in the sense of this Order? They have not acquired any such status by treaty; they have not acquired it by capitulation; they have not acquired it by grant; and they have not acquired it by sufferance, since Japan, being now brought face to face with the problem for the first time, declines to "suffer" the procedure. So, then, we are reduced to "usage." But it has been shown above that no usage of the kind exists in Europe or America. The officers or crew of a foreign man-of-war are judiciable by the civil authority of every Occidental country in respect of crimes committed by them after landing in that country. Where, then, is the usage? Last year, if we remember aright, a quotable case occurred in China. The cook of H.M.S. *Esk*, a Chinese, shot a follow-countrymen by accident, and having been arrested by the Chinese police, was afterwards surrendered to the Consular Authorities. But what China permits by "sufferance" has no concern for Japan. China, proverbially supine about matters of jurisdiction, might surrender all her judicial authority, were she so minded, without establishing any precedent that would have the least binding effect upon Japan. The Japanese are jealous about such matters. Where the Treaty can not be invoked against them, they claim to follow the usage observed by Occidental notions in their intercourse with one another, and we think they have a right to make that claim. The usage of Occidental nations offers no precedent for the protest lodged by Her Majesty's Representative, so far as we can perceive.

Our readers will at once observe that the whole argument in favour of the protest travels in a vicious circle. If these Chinamen would have been exempt from the jurisdiction of the civil authority in a European country, then no reason exists to invoke extraterritorial privileges as a plea for their exemption in Japan. If no usage of the kind is recognised in Europe, then it can not be invoked to establish in Japan a privilege independent of those secured by the extraterritorial clauses of the Treaties.

Continued

Conclusion

It is unfortunate that such complications should arise—especially unfortunate in the present case seeing that the Consular Authorities have no competence to inflict a penalty for the special crime of which the Chinese were guilty, namely, gambling, even supposing that the men were handed over to them. Thus Great Britain stands in the position of advancing a claim which, if recognised, would enable the Chinese to escape the first penalty of their offence. How curious and interesting are the problems that present themselves in connexion with that perplexing make-shift, extra-territorial jurisdiction!

Handed to Foster
Sept 15 97

TELEGRAM RECEIVED.

3rd. ASST. SECRETARY
SEP 15 1897

ASSISTANT SECRETARY
SEP 15 1897
DEPARTMENT OF STATE.

DIPLOMATIC
SEP 21 1897
BUREAU

From Tokio

Sept 14, 1897

Sherman

Washington

Received 2.54 P.M.

Dated Sept 20 97

Cert. Sent.

September 14: Mijojen is Expected here before many days en route to St. Petersburg. Stanbin will direct him proceed at once to Washington, if not advised otherwise. Stanbin will be accompanied by Japanese Delegates. also by Barrett Hamilton.

Buck.

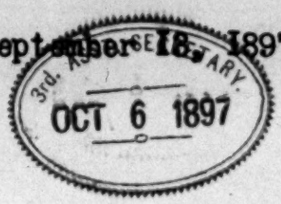
(Received Sept 14 - 9.20 pm King)

No. 33.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 18, 1897.



Ack Oct. 9, 1897



Mr. Buck

to the Secretary of State.

Subject:

Requesting that the Legation be furnished with all the United States Reports, excepting Vols.9I—13I. - 41 vols -

No. 33.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 13, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to request that this Legation be provided with all the volumes of the United States Reports that have been published, excepting volumes 91—131, inclusive, which are already here.

I have the honour to be,

Sir,

Your obedient servant,



DIPLOMATIC
OCT 14 1897
BUREAU.

INDEX BUREAU
REC'D.
OCT 14 '97
DEPT. OF STATE

2D ASSISTANT SECRETARY,
OCT 14 1897

No. 34.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 2/ 1897.

Rec'd
To Treasy
Oct. 15.

Mr. Buck

to the Secretary of State.

Subject:

Japan declines to admit consular supplies free of duty.

2D ASSISTANT SECRETARY,
OCT 14 1897

Mr. Smith

It would seem that the Japanese government has not clearly comprehended the essential point in our proposition, that the consular supplies referred to are and remain the property of the govt of the U.S., being sent abroad solely for the public service of the U.S. This is inferred from Count Okuma's statement that the admission free of duty of the articles belonging to Consuls is not permissible. In the view of this govt, and in the representative intercourse of the U.S. with many other

sent by the Japanese govt to its consuls in the U.S.

Copy both despatch + reply to Treasury for information.

A Adee

states, the free entry of this class of office supplies is not a consular privilege, but is a courtesy to the govt to which they belong and for the public service of which they are indispensible. It may be desirable to make this view clear to the Japanese govt in order that no misunderstanding may exist on this point. For this reason the Department refrains from the present from ~~notifying~~ regarding the reply of Count Okuma as final, and until it shall be affirmed will defer notifying the Treasury Department to direct the collection of duties on such supplies sent by the Japanese govt to its consuls in the U.S.

Copy both despatch + reply to Treasury for information. A.A.L.

No. 34.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 21, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Referring to the Department's Instruction No. 11 of August 4th, 1897, relative to the free admission of consular supplies sent by the Department of State to United States consular officers in Japan, I have the honor to inform you that I have represented the matter to the Japanese Government, but regret to say that H. I. J. M's Minister for Foreign Affairs declines to agree to the proposition of the Department for reciprocal free treatment of these supplies.

I have the honor to enclose herewith copies of the correspondence on the subject.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosures:

1. Mr. Buck to Count Okuma, Sept. 8.-Copy.

2. Count Okuma to Mr. Buck, " 15. "

Enclosure 1 with No. Dunn's No. 34.

(Copy)

No. 18. LEGATION OF THE UNITED STATES,

Tokyo, September 8, 1897.

His Excellency

Count Okuma Shigenobu,

H. I. J. M's. Minister for Foreign Affairs.

Sir:-

I am advised by an instruction from the Honorable the Acting Secretary of State of the United States, of date August 4th last, that the Imperial Japanese customs authorities at Hiogo require duties to be paid on official supplies sent to the United States Consul at that place by the Department of State.

I am further informed by the late Consul General of the United States at Yokohama that he has recently been required to pay duty on the supplies of his office and of the United States Consular Agency in Kanagawa, received from the State Department, and that he has always been required to pay duty on such supplies since he has been in office at Yokohama.

I have the honor to represent to Your Excellency's Government in this connection that office supplies sent by foreign governments to their respective consuls in the United States are admitted free of duty where there is reciprocity in this regard, and to request that, if it be consistent with the regulations of the Imperial Government,

this

this privilege may be accorded the consuls of the United States in Japan.

If Your Excellency's Government so desires, an invoice of supplies so sent can be forwarded by the Department of State and the request for their free admission be made through this Legation.

I avail myself etc.

(Signed) A. E. Dunn.

Enclosure 2 with No. Buck's No. 34.

(Copy)

Translation.

No. 88. DEPARTMENT OF FOREIGN AFFAIRS,

Tokio, the 15th day, the 9th month

" the 30th year of Meiji.

(September 15, 1897.)

His Excellency

Alfred E. Buck,

U. S. and H. B. of the United States of America.

Sir:-

I have the honor to acknowledge the receipt of Your Excellency's note No. 10 of the 2nd instant, stating that the Imperial Japanese Customs Authorities require duties to be paid upon official supplies of the United States Consulates in Japan, sent by the Department of State; and requesting that the privilege of passing such supplies free of duty may be accorded them.

In reply, I beg to say that in as much as it is the general rule to require duties to be paid upon such articles of the supplies as are of a dutiable character, not of the United States Consulates alone, but also of those of all nations in Japan, and moreover as the admission free of duty of the articles belonging to Consuls is not permissible under the tariff law of the Empire, I regret very much that the Imperial Government do not see their way to accede to Your Excellency's request

in

in the matter.

I avail myself etc.

(Signed) Count Okuma Shigenobu,

Minister for Foreign Affairs.

DIPLOMATIC
OCT 16 1897
BUREAU.

2D ASSISTANT SECRETARY,
To Treasury, confidentially
Ack by subject -
OCT 15 1897

10/13
9/24
10/16
10/15
10/15

INDEX BUREAU
REC'D.
OCT 14 '97
DEPT. OF STATE

No. 35.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

IDENTIAL.

Ackd and
To Treas
Oct. 1897

Mr. Buck

to the Secretary of State.

Subject:

Japanese Raw Silk Bounty Law.

No. 35.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Referring to the unnumbered written instructions from the Department of date July 23 and 27, 1897 and to the telegraphic instruction of the 12th ultimo, in respect to the granting of bounties by the Japanese Government on merchandise imported into the United States; and also referring to my replies thereto, in despatches No. 23 of September 1st and No. 24 of same date, I have the honor to state that I am confidentially informed by an influential official of the Japanese Foreign Office that no immediate response, other than the formal acknowledgement already given by the Minister for Foreign Affairs, will be made to my communication to him upon this subject; but that it is his purpose, upon the assembling of the Diet, which will take place, probably, in November next, to ask for and to secure, if possible, the repeal of the act providing for the payment of bounties upon exports of raw silk by Japanese subjects, which act was to go into effect on April 1, 1898.

I am led to believe that that act will be repealed; that no law granting bounties to Japanese subjects exclusively upon merchandise to

to be exported from this country to the United States will hereafter be enacted; and that, should any bounty law be passed in future-of which I think there is great doubt- no such law will make a disorimination in favor of Japanese subjects as against citizens of the United States or those of other countries.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Dunn

Dip Bureau

TELEGRAM RECEIVED IN CIPHER.

From Tokio, Sept 22, 1897

Received, 11.45 A.M.

DIPLOMATIC
SEP 23 1897
BUREAU
Asst. SECRETARY.
SEP 23 1897

Cert. Sent 24.

SHERMAN,

Washington.

Barret Hamilton, directed by British Government, is not going to Washington. It is considered evidence of a want of interest in the conference on part of Great Britain.

Buck.

C.C.

File

DIPLOMATIC BUREAU.

INDEX BUREAU REC'D OCT 14 '97 DEPT. OF STATE

2D ASSISTANT SECRETARY, Ack & file. OCT 14 1897

No. 36.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 28, 1897.

Mr. Buck

to the Secretary of State.

Subject.

Establishment of a Brazilian legation in Tokyo.

No. 36.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that Mr. H. Lisboa, Envoy Extraordinary and Minister Plenipotentiary of Brazil, that country's first diplomatic representative in Japan, was received in audience by the Emperor of Japan on the 15th instant.

A Brazilian legation will hereafter be permanently located in Tokyo.

I have the honor to be,

Sir,

Your obedient servant,

N. E. Buck

File

DIPLOMATIC
OCT 14 1897
BUREAU.

No. 37.

INDEX BUREAU
REC'D.
OCT 14 '97
DEPT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging the receipt of a coat-of-arms.

No. 37.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to acknowledge the receipt, on the 13th instant, of the coat-of-arms sent by the Department to be displayed over the entrance to this Legation.

I have the honour to be,

Sir,

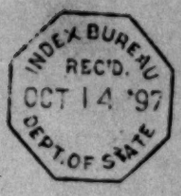
Your obedient servant,

A. Buck

File

DIPLOMATIC
OCT 14 1897
BUREAU.

No. 38.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 28, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Readings of cipher telegrams.

No. 38.

LEGATION OF THE UNITED STATES,

Togyo, Japan, September 22, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I append on overleaf copy of my telegram of the 14th instant, which was sent at the request of Mr. Charles S. Hamlin, Special Commissioner of the United States; and copy of the Department's telegraphic reply thereto, dated the 20th instant.

I have the honor to be,

Sir,

Your obedient servant,

N. G. Buck

(Telegram.)

"Tokio, September 14, 1897.

"Sherman, Washington.

"September fourteenth. Stejneger is expected here befor
"many days en route to St. Petersburg. Hanlin will direct him to
"proceed at once to Washington if not advised otherwise. Hanlin
"will be accompanied by Japanese delegates also by Barrett Hanilt

"BUCK."

(Telegram.)

"Washington, September 20

"Buck, Minister, Tokio.

"Stejneger should attend seal conference.

"SHERMAN."

DIPLOMATIC
OCT 15 1897
BUREAU.

No. 39.

INDEX BUREAU
REC'D.
OCT 14 '97
DEPT OF STATE

2D ASSISTANT SECRETARY,
Ack by subject & file.
OCT 15 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

Ackd Oct. 16/97

Mr. Buck

to the Secretary of State.

Subject:

Mr. Hamlin's arrival and reception by the Japanese Governmental Officials.

No. 39.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to inform you that the Hon. Charles S. Hamlin, Special Commissioner of the United States, arrived at Yokohama on the 5th instant by the S.S. Empress of Japan, and was met by Mr. Huntington Wilson, Second Secretary of this Legation, who accompanied him to Tokyo.

On the 7th instant, I addressed a Note to Count Okuma, H. I.J.M's. Minister for Foreign Affairs, apprising him of Mr. Hamlin's arrival and of the nature and object of his mission, and requesting him to grant Mr. Hamlin an interview and to co-operate, by indicating the persons with whom he should confer, in the accomplishment of his mission.

I have the honour to enclose herewith a copy of the above mentioned Note, and also a copy of Count Okuma's Note in reply to it, of the same date, informing me of the decision of the Japanese Government to participate in the Conference to be held in Washington in October next, and stating that

Mr. Hoshi

Mr.Hoshi had been instructed to communicate their decision to the Government of the United States.

On the 8th instant Mr.Hamlin and I had an interview with Count Okuma, from which it appeared that the Japanese Government was prepared to interest itself in the adoption of measures for the protection of the seal herds, at the same time manifesting a strong interest in the protection and fostering of the sea otter, of which there was once a large herd of considerable value to them, but which ~~are~~ is now fast growing extinct. The details of the discussion I of course left entirely to Mr.Hamlin, because of his special knowledge of the subject.

On the 18th instant I accompanied Mr.Hamlin to the Imperial Palace, where he was received in audience by their Majesties the Emperor and Empress.

The officials of the Japanese Government are showing Mr. Hamlin every attention and courtesy during his sojourn in this country.

I have the honour to be,

Sir,

Your obedient servant,

A. E. V. Buck

Enclosures:

1. Mr.Buck to Count Okuma, of date September 7th, 1897:
2. Count Okuma to Mr.Buck, of date September 7th, 1897.

Copy. No. 20.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

His Excellency

Count Okuma Shigenobu,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:

I have the honour to inform Your Excellency that the Government of the United States, with a view to securing the adoption of more effective measures for the protection of the fur seal herds frequenting the islands and waters of the North Pacific Ocean and Bering Sea, has proposed to the powers interested that a conference upon that subject be held in Washington in October next, and, as I am informed by the Honourable the Secretary of State, an invitation to be represented at this conference by one or more delegates, as it is expected the Governments of Great Britain and Russia will be, has lately been addressed to Japan through the Imperial Government's representative at Washington, Mr.Hoshi.

Believing the interests of Japan in this matter to be similar to those of the United States, the President has specially commissioned and sent to Tokyo Mr.Charles S.Hamlin, late

Assistant

Assistant Secretary of the Treasury, confident of his ability to explain fully to Your Excellency's Government the views of the United States and its object in asking a conference of the interested powers, and trusting that his visit will result in a full accord between the two Governments.

As Mr.Hamlin has now arrived in Tokyo, I have the honour to request that Your Excellency will kindly grant him an interview and cöoperate in securing the accomplishment of his mission by indicating the officers of the Imperial Government with whom he should confer.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

A.E.BUCK.

Copy. No. 25.

DEPARTMENT OF FOREIGN AFFAIRS,

Tokyo, the 7th day of the 9th month,

of the 30th year of Meiji.

Monsieur le Ministre,

I have reveived the Note No.20 of this date, which Your Excellency did me the honour to address me, under instruction of the Honourable, the Secretary of State,on the subject of despatching one or more delegates of the Imperial Government to the Conference of the Powers interested to be held in Washington in October next with the view of securing the adoption of more effective measures for the protection of fur seals in the North Pacific Ocean and Bering Sea.

In reply I beg to state that Your Excellency's Government having communicated the matter through the Japanese Representative in Washington during last month, the Imperial Government have decided to take part in said Conference and have already instructed Mr.Hoshi to answer the United States Government in that sense.

As to the Honourable Charles S.Hamlin, late Assistant Secretary of the Treasury, who has been specially commissioned by the President to explain the views of the United States Government in regard to the question, I shall be very glad to meet him at any time.

I

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) Count Okuma Shigenobu.

His Excellency

A. E. Buck

Envoy Extraordinary and Minister Pleripotentiary

of the United States of America.

DIPLOMATIC
OCT 14 1897
BUREAU.

No 40.

INDEX BUREAU
RECD.
OCT 14 '97
DEPT. OF STATE

2D ASSISTANT SECRETARY,
OCT 14 1897

Oct. 16/97
C.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Enclosing supplementary inventory of the property of the United States at this Legation.

No. 40.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to acknowledge the receipt of your Instruction No.20, of date the 13th ultimo, informing me of certain discrepancies between the inventory of the property of the United States at this Legation, which I enclosed with my Dispatch No.2, of date July the 6th, and the two previous inventories; and enclosing a list of articles not appearing in the inventory sent by me , though they had appeared in these previous ones.

I regret that a number of articles were overlooked when the last inventory was made by my predecessor. I therefore enclose herewith a supplementary inventory, including the omitted articles mentioned in the list sent by the Department, excepting Satow and Hall's Guide for Japan (I vol.), which is missing; and the four hearth-rugs, one each in the dining-room, the two drawing-rooms, and the library, which are long since worn out and discarded; also, 27 hollands in the hall, which is a mistake,

that

that number (27) being the total of all the hollands in the buildings.

I have the honour to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:

Supplementary inventory, as above.

Supplementary Inventory of the Property of the United States kept at this Legation.

Webster's Unabridged Dictionary (I copy)
Japanese-French Dictionary of Military Terms (I vol.)
Hepburn's Pocket Japanese Dictionary, 2nd edition (I vol.)
Dictionary of Naval Terms (I vol.)
Nakamura's Dictionary of English, Chinese, and Japanese, (3 vol
Japanese Dictionary of Compound Words (2 vols.)
Japanese Radical Dictionary (I vol.)
Whitney's Geographical Dictionary of Japan (I vol.)
Aston's Japanese Grammar (I vol.)
Illustrated List of Japanese Decorations (I vol.)
Penal Code of Japan in French (I vol.)
Regulations for Consular Courts in Japan, I870 (I vol.)
Census of the United States, I870 (3 vols.)
Compendium of Census of the United States, I880 (2 vols.)

Office Furniture.

6 office easy chairs.
I case for records.
I set of curtains for Minister's office.
I hall mat.
II hollands in various parts of the building, making, together with those mentioned in the last inventory, a total of 27.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 22, 1897.

I hereby certify that I received from the Hon. Edwin Dun all the household furniture of the United States Legation at Tokyo, Japan, as specified in the foregoing supplementary inventory, together with the books therein specified—in addition to the archives, books, and other property specified in the inventory transmitted by me to the Department as an enclosure with my Dispatch No.2, of date July 6th, 1897.

E. W. Bunn
U S Minister

2D ASSISTANT SECRETARY,
Ack. by Number and File.
OCT 25 1897

DIPLOMATIC
OCT 25 1897
BUREAU.

INDEX BUREAU
REC'D
OCT 25 '97
DEPT OF STATE

No. 41.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 1, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Department's No. 18 on McCaleb case received.

No. 41.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 1, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 18 of August 12, in reply to my despatch No. 9, of date July 16, 1897, relative to the status of J. M. McCaleb and my refusal to secure for him a Japanese travelling permit.

I have communicated to Mr. McCaleb the substance of the Department's decision.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC
OCT 25 1897
BUREAU.

2D ASSISTANT SECRETARY,
OCT 25 1897

Ans. Doubtful if such an expense could be met from existing appropriations. May submit a plan and estimate, to be laid before Congress should the Department approve.

ABA

No. 42.

INDEX BUREAU
REC'D
OCT 25 '97
DEPT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 1, 1897.

Acka Oct. 26/97 C.

Mr. Buck

to the Secretary of State.

Subject:

Report on the Legation Archives.

No. 42.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 1, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Following the general instructions of the Department, I have the honor to report that I find upon examination that the archives of this Legation have been carefully preserved and bound and, in so far as the system adopted by my predecessors permits, well indexed.

In this connection, I beg again to bring to the attention of the Department the unprotected state of the archives stored as they are in the office building-a wooden structure-and to the almost certainty of their total destruction in case of fire in the legation compound; and I recommend strongly the appropriation of a sum sufficient for the construction of a fire proof vault for the safe keeping of these records.

I have the honor to be,

Sir,

Your obedient servant,

Alvey A. Adee

DIPLOMATIC
OCT 29 1897
BUREAU.

2D ASSISTANT SECRETARY,
Ack with regret, await
fuller report with estimate.
OCT 25 1897

No. 43.

MISC. BUREAU
RECD
OCT 25 '97
DEPT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 1, 1897.

Rec'd Oct. 27/97

Mr. Buck

to the Secretary of State.

Subject:

Legation damaged by Typhoon.

No. 43.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 1, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that, on the morning of the 9th ultimo, Tokyo and the neighboring districts were visited by a typhoon of terrific force, which, though of short duration, caused an immense damage to buildings, trees and shrubbery. The Legation suffered considerably:- roofs damaged, fences blown down and trees and shrubs uprooted in exposed places.

I had hoped, in notifying the Department of the damage, to be able to send an estimate of the cost of the necessary repairs; but even after several weeks' delay the demand for competent workmen continues so great that I am compelled to postpone the sending of the estimate until the next outgoing mail.

I have the honor to be,

Sir,

Your obedient servant.

A E Buck

No. 44.

File

INDIA BUREAU
RECD.
OCT 25 '97
DEPT OF STATE

DIPLOMATIC
OCT 25 1897
BUREAU.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October I, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Confirming telegraphic Dispatches, of dates the 22nd and 23rd, ultimo, respectively.

No. 44.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October I, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

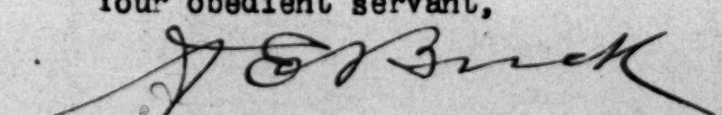
Sir:

I have the honour to confirm on the overleaf my telegraphic Dispatches, of dates the 22nd and 23rd, ultimo, respectively.

I have the honour to be,

Sir,

Your obedient servant,



Readings of telegraphic Dispatches.

"Tokyo, September 22, 1897.

"Sherman, Washington.

"Barrett Hamilton directed by British Government is not "going to Washington. It is considered evidence of want of "interest in the Conference on the part of Great Britain.

"BUCK"

"Tokyo, September 23rd, 1897.

"Sherman, Washington.

"Japanese Government most cordially concurs with the Un-"ited States in the purpose to protect seals. Delegates have "been instructed generally. Hamlin's informal suggestions "will be accepted by the Japanese Government in most respects. "if practicable to be carried out. Hamlin thinks the Govern-"ment of Great Britain should be asked to send Hamilton to the "Conference.

"BUCK."

File

DIPLOMATIC
OCT 29 1897
BUREAU.

INDEX BUREAU
RECD
OCT 25 '97
DEPT OF STATE

2D ASSISTANT SECRETARY,
Ask by Number and File
OCT 25 1897

No. 45.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October I, I897.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging the receipt of the Department's Instruction No.22, of date August I7th, I897.

No. 45

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October I, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to acknowledge the receipt of your Instruction No.22, of date the I7th, ultimo, authorizing me to expend for the preservation of the Legation property and for putting it in better condition, a sum not exceeding four hundred ($400.)dollars.

I have the honour to be,

Sir,

Your obedient servant,

Edwin Dun

2D ASSISTANT SECRETARY,
Ack. & aaa.
Copy this and Dept's ack to Honolulu
OCT 25 1897 for Mr Sewall's
information -

INDEX BUREAU
RECD.
OCT 25 '97
DEPT. OF STATE

No 46.

to Hawaii. Aclo Oct. 30, 97
Oct. 30, 97 - M.H.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 8, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Japan desires to arbitrate questions with Hawaii.

No. 46.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 3, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Again referring to your instruction No. 9 of date July 30, last, in respect to advising the Department of anything that may come to my knowledge touching the arbitration question between Japan and Hawaii, and to using my kindly offices to further so desirable a solution; and also referring to my despatch No. 27 of date September 2nd ultimo, I have the honor to state that, while as yet I have had no conference with H. I. J. M's. Minister for Foreign Affairs upon this subject, yet I have been advised that he desires one and, having intimated my readiness to confer with him, that very soon I may expect a suggestion from him to call for that purpose.

To-day I am informed by a reliable official of the Foreign Office that this government is becoming somewhat impatient because of what she conceives to be a want on the part of the Hawaiian Government of prompt action in specifying the particular points of disagreement that that government is willing to submit to arbitration. The complaint is that Hawaii does not either accept or reject the specifications of questions at issue to be submitted, which were promptly presented to her by the

the Japanese Minister for Foreign Affairs; and that she does not submit any definite counter propositions, thereby causing unnecessary delay in in coming to some agreement upon the preliminary steps necessary to be taken before the questions at issue can be submitted. There seems to be a suspicion of a purpose on the part of Hawaii to postpone an agreement upon the details prerequisite to arbitration until the treaty of annexation between the United States and Hawaii is ratified.

On the part of the Japanese Government there appears to be, and I am confident that ther is, an earnest desire for the most speedy agreement possible upon the terms of arbitration; and whether Japan has just ground for complaint of delay on the part of Hawaii, which, it seems, she thinks she has, since my information is derived only from statements made by Japanese officials, I, of course, do not assume to say.

I have the honor to be,

Sir,

Your obedient servant,

N. G. Buck

TELEGRAM RECEIVED. Cipher

From Tokyo

October 11, 1897.

Received Oct. 10. M.

Day

Washington

October 11. I think under the circumstances here very much better to retain Herod few months; otherwise the appointment of any one recommended by the Department of State satisfactory. Full explanation by mail.

Foster.

Mr. Herod is first Secretary, is a Republican and was appointed by Harrison - Fairbanks protested against Dilmore -

(Examine files).

COPIED.

No. 47.

LEGATION OF THE UNITED STATES

Tokyo, Japan, October 20, 1897.

INDEX BUREAU
REC'D.
NOV 12 '97
DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Japan declines to participate in the Trans Mississippi Exposition.

No. 47.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 20, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

S i r :

Referring to the Department's unnumbered instructions of June 15th and July 22, 1897, extending an invitation to the Japanese Government to participate in the Trans Mississippi and International Exposition to be held at Omaha, Nebraska, in 1898, I have the honor to inform you that I am in receipt of a letter from H. I. J. M. Minister for Foreign Affairs, by which it appears that Japan is compelled to decline the invitation owing to the impossibility of preparing a suitable exhibit in the short time remaining before the opening of the exposition, as well as owing to the lack of available funds to meet the expenses which her participation would involve.

I have the honor to enclose herewith copies of the notes upon the subject which have passed between the Legation and the Japanese Ministry of Foreign Affairs.

I have the honor to be,

Sir,

Your obedient servant,

J. B. Buck

Enclosures:

1. Mr. Buck to Count Okuma, July 29, 1897.
2. Mr. Buck to Count Okuma, Aug. 27, 1897.
3. Count Okuma to Mr. Buck, Oct. 16, 1897.

Enclosure / with Mr. Buck's No. 47.

(COPY.)

No. 9. LEGATION OF THE UNITED STATES,

Tokyo, July 19,1897.

His Excellency

Count Okuma Shigenobu,

H. I. J. M's Minister for Foreign Affairs.

S i r:-

In accordance with an instruction from the Honorable the Secretary of State of the United States,(copy herewith enclosed),I have the honor to bring to the attention of Your Excellency's Government a Trans Mississippi and International Exposition to be held in the city of Omaha in the State of Nebraska in the year 1898, "for the exhibition of the resources of the United States of America and the progress and " civilization of the western hemisphere and for a display of the arts, "industries, manufactures and products of the soil, mine and sea."

I have the honor to enclose herewith an invitation addressed to His Imperial Majesty the Emperor of Japan to the end that it may reach its high destination, and to express the satisfaction it would give my Government to know that the Government of His Majesty had consented to accept the courteous invitation of the United States to participate in that Exposition. I am, however, called upon to explain that, although the Government of the United States purposes to be represented in accordance with the cited provisions of the law, the proposed exposition is in no wise under the auspices or patronage of the Federal Government; neither is the latter held in any manner liable or responsible on account of the Trans Mississippi and International Exposition Association.

For further details and regulations of the propored exposition, I have the honor to refer Your Excellency to the enclosed copy of a circular issued by the Secretary of the Treasuryon January 11,1897.

I

I avail myself etc.

(Signed) Alfred E. Buck.

Enclosures:

1. Copy of an instruction from the Secretary of State.
2. Letter addressed to His Majesty the Emperor of Japan.
3. Circular of the Secretary of the Treasury.

Enclosure 2 with Mr. Buck's No. 47.

(Copy.)

No. 17. LEGATION OF THE UNITED STATES,

Tokyo, August 27, 1897.

His Excellency

Count Okuma Shigenobu,

H. I. J. M. Minister for Foreign Affairs.

S i r:-

Referring to my note No. 9, of date July 19 last, relative to the Trans Mississippi and International Exposition to be held at Omaha, Nebraska, between June 1st and November 1st, 1898, I have the honor to enclose herewith copy of a resolution of the Senate of the United States, adopted by that body on June 28th, 1897, and to assure Your Excellency that it would be exceedingly gratifying to the President and to the Government of the United States should the Government of Japan find it convenient to accept the invitation and send a representative exhibit.

I avail myself etc.

(Signed) Alfred E. Buck.

Enclosure:

Copy of a resolution of the Senate.

Enclosure with Mr. Buck's No. 47.

(COPY)

Translation.

No. 45.

DEPARTMENT OF FOREIGN AFFAIRS,

Tokio, the 16th day, the 10th month

the 30th year of Meiji.

(October 16, 1897.)

His Excellency

Alfred E. Buck,

E. E. and M. P. of the United States of America.

Monsieur le Ministre,

With reference to Your Excellency's notes of the 9th July and of the 27th of August, inviting the Imperial Government to send a representative exhibit to the Trans Mississippi and International Exhibition, to be held at Omaha, Nebraska, I have not failed to refer the matter in due time to the proper authorities, and I am now informed to the effect that, the opening of the Exhibition being well nigh, there is neither ample time for preparations to be made for sending exhibits, nor is there any means of appropriation being found for defraying the necessary expenses. Under these circumstances it is to the great regret of the Imperial Government that they cannot avail themselves of the invitation to take part in the said exhibition.

I beg, however, to inform Your Excellency that the regulations which I had the honor to receive from you have been translated into Japanese and published in the Official Gazette of the 8th instant for the benefit of individuals who may desire to send exhibits on their own account.

I avail myself etc.

(Signed) Count Okuma Shigenobu,

Minister for Foreign Affairs.

Gmory

To Treasury answering Circular of July 8, 1897.
NOV 13 1897

No. 48.

NOV 16 1897
BUREAU

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 20, 1897.

INDEX BUREAU
REC'D.
NOV 12 '97
DEPT. OF STATE

To Treasury
Nov. 17

Mr. Buck

to the Secretary of State.

Subject:

Transmitting report of the tariff, customs regulations, and bounty legislation relating to export of domestic products in Japan.

(Filed, for publication, in Bureau of Stat. Com.)

No. 48

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 20, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

In compliance with the Department's Circular Instruction, of date July 29th, last, requesting the forwarding as soon as practicable of a copy of the tariff, including export duties, if any, as well as import duties, the customs regulations, and any bounty legislation relating to export of domestic products in Japan, I have the honour to transmit herewith, under separate cover, a report upon these subjects made at my instance by Mr. Huntington Wilson, Second Secretary of this Legation.

I have the honour to be,

Sir,

Your obedient servant

A. E. Buck

DIPLOMATIC
NOV 23 1897
BUREAU.

2D ASSISTANT SECRETARY,
Ack. by Number and File.
NOV 23 1897

INDEX BUREAU
REC'D
NOV 23 '97
DEPT. OF STATE

No. 49

LEGATION OF THE UNITED STATES,
Tokio, Japan, October 27, 1897.

Mr: Buck,

to the Secretary of State.

Subject:

Evidences of anti-foreign feeling in Japan.

DIPLOMATIC
NOV 23 1897
BUREAU.

2D ASSISTANT SECRETARY,
Ack. by Number and File.
NOV 23 1897

INDEX BUREAU
REC'D.
NOV 23 '97
DEPT. OF STATE

No. 49

LEGATION OF THE UNITED STATES,
Tokio, Japan, October 27, 1897.

Mr: Buck,

to the Secretary of State.

Subject:

Evidences of anti-foreign feeling in Japan.

No. 49

LEGATION OF THE UNITED STATES,

Tokio, Japan, October 27, 1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C.-

Sir:

Referring to my despatch No. 18, of date August 23, last, wherein I set forth at some length my views of the necessity of the appointment of some judicial officer for this country to have original jurisdiction in all cases of importance arising under under our extra-territorial rights, who, upon the new treaty between the United States and Japan going into effect, might be continued as counsellor of the Legation, I have the honor to state in addition that of late I have observed some evidences of a reactionary and unfriendly feeling towards foreigners and against foreign influence here, in the tone of some of the vernacular newspapers, which feeling is recognized by foreign residents as also to a slight degree in the newspapers conducted by foreigners and printed in the English language.

While I do not believe that such anti-foreign feeling is cultivated or countenanced by the officials of the Japanese Government, and do not think that it will develop to an alarming extent, yet I think the matter worthy of mention, and I enclose herewith an extract from the "Japan Mail" of the 22nd instant which gives the views of Marquis Ito expressed in opposition to the development of such an anti-foreign sentiment. These views, coming from such a high source as they do, are

worthy

worthy of consideration as the highest evidence of the existence of such ~~views~~ sentiments among the people.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck

Enclosure:

Clipping from the Japan Mail of the 22nd instant.

Enclosure with
Mr. Buck's
No. 49

Japan Mail
Oct. 22, 1892.

Speaking at a meeting of the Ryumonsha, an association of business-men, who gathered at Oji on Sunday, under the presidency of Mr. Shibusawa, Marquis Ito impressed upon his hearers the necessity of dropping many of the insular prejudices which Japanese entertain against foreigners. In the course of his recent travels he had noticed how men of all nations combined in every country to develop the resources and industries of Europe and American. English, French, American, German, and Italian capitalists were found putting up money together to develop the mines on the Rand in South Africa. Each nation invested in the other's securities, all thoughts of race being dropped out of sight. So it should be in Japan, but at present foreigners found no inducement to invest their money here: they were not welcomed, in fact were kept aloof, by the Japanese, who seemed to fear that something dreadful must follow if they entered into business or other combinations with foreigners. Many too, feared that when the country was thrown open to mixed residence, the influx of aliens would be so great that Japan would be swamped by them. Such a theory was absurd. Italy, a land possessing attractions surpassing any other country in Europe, was open to all, yet resident aliens did not number more than 60,000—an insignificant total. The Marquis concluded by urging that Japan should at once take steps towards perfecting her laws so that foreigners would find the most perfect security for their lives, their capital, and their property, by which they would be attracted hither to settle and invest their money. If this liberal policy were pursued from the very commencement a bright era of advancement lay before the land that they all loved so well.

Marquis Ito, in the speech delivered by him last Sunday, at the villa of Mr. Shibusawa, expressed greaty anxiety for the future of Japan if its present policy of education continued to be pursued. He said he was in favour of the European system, and expressed the opinion that Japanese educationists would find their account in abandoring the lines at present followed. The speaker then went on to criticize the methods adopted by teachers in common schools. "I doubt," he said, "whether teachers in our common schools are not encouraging their scholars to foster an anti-foreign spirit. If such is the case, the inevitable result will be that, as the years go by, the outcries against foreigners will grow in volume and intensity, and by the time mixed residence comes into operation an intolerable condition of affairs will have been reached. Collisions between the people and the principles guiding official circles will be inevitable: while broils between Japanese and foreigners will arise in all directions. I cannot but feel grieved when I contemplate such a lamentable crisis. Suppose that the present anti-foreign spirit continues to prevail after the new treaties go into operation and mixed residence has begun: suppose that a number of men conspire together against foreigners to prevent them from carrying on enterprises in Japan in which they have invested their capital; suppose that they organise a mob, as the farmers in this country frequently do when they wish to take the law into their own hands: suppose *soshi* make a violent assault, taking as their ground that the foreigners have encroached upon the privileges of the Japanese and are appropriating to themselves profits that should belong solely to the people of the land, and then break into the foreigners' warehouses and factories—what would follow? The justly aggrieved foreigners would proceed against their assailants in the law courts, impeaching them as malefactors. But suppose the judge before whom the case was heard, was imbued with the same spirit of illogical, ill conceived patriotism, and gave a partial judgment against the foreigners—what would happen then? Why, the matter would become a diplomatic question and the country would be thrown into a state of indescribable embarrassment, an exit from which would be impossible to find. These are my reasons for desiring an alteration in our educational system; these are my reasons for protesting against a narrow, shoddy patriotism being instilled into the hearts of our rising generation. The anti-foreign feeling of the past few years must be eradicated. Foreign capital will have to be introduced into Japan under appropriate management and by the giving of proper security: foreigners must therefore be received with cordiality."

UNITED STATES LEGATION.
TOKIO.

Ans. Apl. 23/98 C.

October 29, 1897.

DIPLOMATIC,
APR 22 1898
BUREAU

Honorable John Sherman,
Secretary of State,
Washington, D. C.-

Sir:

I have the honor to enclose herewith two communications, unsealed, addressed to the President, the one relating to the First Secretary of this Legation and the other to political affairs in Georgia, which, if consistent with the rules of the Department, I hope may be transmitted to their destination.

Very respectfully,
Your obedient servant,

A. E. Buck

Two enclosures as above noted.

UNITED STATES LEGATION.
TOKIO.

To the President:

Referring to a cablegram from Hon. Wm.R.Day, Assistant Secretary of State, of date the 10th instant, asking if the appointment of a Mr. Bigelow as First Secretary of this Legation would be satisfactory to me and stating that the Department highly recommended him, in reply to which I stated by cable that, under the circumstances I thought it much better to retain Mr. Herod, First Secretary, for a few months, otherwise any one recommended by the Department would be satisfactory, and to which I replied further and fully by mail, I have the honor to state that I desire and hope that no change in the First Secretary of this Legation will be made before next spring, and then [redacted] in consequence of Mr. Herod's resignation which I anticipate may be made to take effect in May.

I need not reiterate the reasons for this request which were set out in my letter Judge Day.

I beg to suggest, in closing, the advisability of retaining the services of Mr. Herod in the diplomatic service of our country, elsewhere if not here. His services in charge of the Legation in Korea, and as Second Secretary, First Secretary, and Chargé d'Affaires of this Legation have given him a wide and varied experience which, together with his natural ability, legal training and proficiency in the French language seem to me to give him peculiar fitness for such service.

I

I have the honor to be,

Very respectfully yours,



Tokio, Japan,

October 29, 1897.

EXECUTIVE MANSION,
WASHINGTON.

Minister Tokyo instructed Apr. 23/98 C.

April 16, 1898.

Secretary of State.
APR 18 1898

My dear Sir:

By direction of the President I beg leave to return to you the enclosed letter from Minister Buck, relative to the First Secretaryship of the United States Legation at Tokio.

Very respectfully yours,

John Addison Porter

Secretary to the President.

Hon. John Sherman,
Secretary of State.

Enclosure.

DIPLOMATIC
NOV 23 1897
BUREAU.

No.50.



LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 29, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Confirming Mr. Sherman's telegraphic Instruction, of date October 27th, 1897.

No. 50.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 29, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to confirm on the overleaf your telegraphic Instruction, of date the 27th instant,

I have the honour to be,

Sir,

Your obedient servant,

A. E. Buck

Telegram received.

"Washington,

"October 27, 1897.

"Buck, Minister,

"Tokyo.

"Stejneger not needed here.

SHERMAN."

DIPLOMATIC
NOV 23 1897
BUREAU

2D ASSISTANT SECRETARY,
Ack by Number & file.
NOV 23 1897

INDEX BUREAU
REC'D.
NOV 23 '97
DEPT. OF STATE

No. 51

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 29, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Removal of Chief Judge of Formosa.

No. 51.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 23, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to bring to the attention of the Department a case arising out of the administration of Formosa, which has occasioned great discussion in political circles and given an opportunity to the opposition parties to censure strongly the cabinet.

On the conquest of Formosa by Japan, the cabinet of this country, by the authority of the Emperor, but without the assent of the Diet, instituted a system of government for a conquered and ceded territory, and under this system a judiciary was established in which Mr. Takano was chosen as chief judge.

Judge Takano has now, for reasons not disclosed, proved unsatisfactory to the present cabinet and has been placed upon the retired list. From this decision Judge Takano appeals to the country, and announces his determination to retain his position until the government gives sufficient reasons for what is virtually his dismissal, or until he is tried and found guilty by a disciplinary court as is provided by law under the 58 th article of the Constitution.

At first glance the question would appear one of constitutional law alone

alone to be determined by the decision as to whether or not the guarantees of the Constitution extended over the conquered and ceded territory of Formosa, which decision would, I think, be clearly in favor of the cabinet in their removal of an officer for whose tenure of office ther is no guarantee: but the present disturbed condition of politics and the reputation gained by the Formosan administration have introduced elements that make the case "popular" and , by the endeavors of the opposition, tend to place Judge Takano in the position of a defender of constitutional rights against a corrupt and tyrannous government.

The weakness of the government's position lies in its resting upon its legal rights alone and in its refusing to state the reasons for Judge Takano's dismissal which, under ordinary circumstances might not be questioned. But just now corruption in the administration of Formosa has been publicly charged and the efforts made to suppress the evil and to secure the punishment of offending officials Judge Takano , both as an administrative and judicial officer, has been most zealous. Naturally, therefore, when he is removed from office without reasons given it is popularly supposed that the cabinet has been fearful lest in Judge Takano's efforts to expose the guilty he might bring to light cases of corruption involving those high in authority whom the government desires to protect, or lest there might be an exposure of mal-administration that would cause the downfall of the present cabinet.

Taken all in all, the removal of Judge Takano as made, though within

within the legal province of the cabinet, seems most inexpedient and likely to lead to difficulties for the controlling authorities.

I have the honor to enclose herewith clippings from the "Japan Mail" giving a clear statement of the case, as well as of the other embarrassments of the Matsukata-Okuma cabinet.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck

Enclosures:

Clippings from "Japan Mail."

Enclosure with Mr. Buck's No. 51.

THE ADMINISTRATION AND THE JUDICIARY.

The vernacular press reports another collision between the Administration and the Judiciary. Recently Judge Takano, the chief judicial official in Formosa, was summoned to Tokyo, to report upon some proceedings the nature of which does not appear to be understood by the public. Evidently the Administration was not satisfied with the Judge's account, for the *Official Gazette* soon contained an announcement that he had been placed upon the Retired List. Now the Constitution provides that "no judge shall be deprived of his position unless by way of criminal sentence or disciplinary punishment." The object of the provision is to secure the independence of the Judiciary, and its effect should be to guarantee the judge against removal from office except by the decision of a court of law, whether criminal or disciplinary. If, then, it be assumed that the Constitution extends to Formosa, the action of the Administration in placing Judge Takano on the Retired List without recourse to a law court is distinctly unconstitutional. So Judge Takano also thinks, and he has adopted a very practical method of protesting. He has gone back to Formosa with the avowed intention of resuming the discharge of his functions and resisting to the death any attempt to remove him. The affair is inexplicable at the present stage. It appears that Judge Mizuno, also a Formosan official, was placed on the Retired List some time ago, but public attention was not attracted by the incident, the Judge making no attempt to resist. We are informed by vernacular newspapers that both Judges incurred the displeasure of the Administration in the same way, namely, by adopting too severe measures against the official corruption prevalent in Formosa. It is even stated that they thus brought upon their heads the displeasure of the Governor-General, Viscount Nogi, and the former Colonization Minister, Viscount Takashima. Such tales are obviously quite incredible. Unfortunately party considerations seem to weigh much more strongly with some Japanese journals than the duty of telling the truth. In this case there is special difficulty in ascertaining the facts, for the Minister of Justice being unpopular even with the newspapers that habitually support the Cabinet, they do not hesitate to give publicity to the above extravagant explanation. For our own part, we fail to see how the removal of two judges by an Administrative order can be reconciled with the provisions of the Constitution, unless, indeed, the fact that a special system of Government exists in Formosa be regarded as placing it beyond the range of the Constitution's operation.

THE EXPLANATION OF THE TAKANO AFFAIR.

It is a somewhat singular fact that the really important feature of the Takano affair has remained wholly unnoticed by the vernacular press. All the Tokyo journalists that have discussed the question devote themselves to its aspect from a judicial point of view, and lead their readers to suppose that Mr. Takano was a judge in the active discharge of judicial functions. But on making inquiry in official quarters, we learn that, in addition to being Chief Judge of the principal Court in Formosa, Mr. Takano was also Councillor to the Administrative Office, and that his duties since he went to the island have been entirely of an administrative character. We are informed, indeed, that he has never once sat as a Judge in Formosa, and that his removal to the Retired List is entirely owing to mistakes committed in his administrative capacity. That, of course, disposes completely of the criticism that the Government's procedure in his case strikes a blow at the independence of the Judiciary. The incident has no connexion whatever with the Judiciary. On the other hand, it affords a very plain object lesson as to the unwisdom of combining administrative and judicial functions in the person of the same official. We can not say that Japan is the only country guilty of that mistake, but the evil possibilities of such a system are now very apparent. Apart from the obstacles that a duality of office presents to the prefectly impartial discharge of judicial duties, there is the embarrassment that no effective distinction of responsibilities can be made, and if incapacity on the administrative side is visited with the usual penalty, the constitutional immunity of the Judge is vicariously violated. We can not see why, in Mr. Takano's case, his removal from the post of Councillor to the Administrative Bureau would not have fully satisfied the requirements of the situation. It may be, however, that the Chief Judge holds the post of Councillor *ex officio*, in which case his removal from one position would necessarily involve forfeiture of the other also. That is a point upon which we are not competent to offer any opinion, being without access to accurate knowledge of the administrative organization now in force in Formosa. The inevitable conclusion seems to be, however, either that the system is bad, or that a want of judgment and foresight has been shown in dealing with Mr. Takano. If he erred in his administrative capacity he should have been thenceforth limited to his judicial functions only, and if the separation of the two was impossible, the sooner it is made possible the better. With regard to the agitation that Mr. Takano is carrying on, it appears to us very unseemly. Indeed, we do not hesitate to say that his conduct, so far as the public are in a position to judge, suggests that he is not qualified to discharge the duties of any high office. If he considers that he has been unconstitutionally treated, there are constitutional means of seeking redress. By defying the authorities and creating a scandal, he himself exhibits contempt for the laws whose majesty he is avowedly so anxious to assert. The subject is so interesting and occupies such a prominent place in Japanese thought at present, that our readers will probably be glad to hear what Mr. Takano has to say for himself. On the 15th instant, a meeting was held at the *Fujimi-Ken* in Tokyo to consider his case. About 120 persons were present, among them being several prominent members of the Diet—Mr. Shimada Saburo, Mr. Miura Yasu, Mr. Funakoshi Mamoru, Mr. Goto Shimpei, Mr. Moriya Konosuke, Mr. Tanaka Shozo, Mr. Ooka Ikuzo, Mr. Kurihara Ryoichi—, together with Mr. Matsuoka Koki, Mr. Fujii Saburo, Marquis Nakanomikado, and a number of Judges and barristers. Mr. Takano delivered an address, of which the following is the gist:—

In April of last year, the military system of government in Formosa was abolished and the civil substituted. The first question that arose was by what laws the place should be administered. Some maintained that there were no laws applicable until enactments should have been made by Imperial Ordinance. I opposed that view. My contention was that security of life and property, as well as the preservation of the rights of the subject, being absolutely essential to good government under any circumstances, it was out of the question that the island should be left without laws for, perhaps, a year. Under such circumstances, murderers, thieves and even rebels would remain unrestrained. Granting that the Formosans were a conquered people, they had nevertheless become subjects of the empire, and were therefore entitled to have laws protecting their lives and possessions. Now the punitory regulations enforced in the time of the military government by virtue of delegated legislative authority, were not at all severe in comparison with the laws of China. I therefore decided that these should remain in operation, and for the rest, that the criminal code, the code of criminal procedure, and the code of civil procedure, as applied in Japan proper, should be enforced. Local law courts (*chiho-hoin*), courts of appeal (*fukushin-in*), and an upper court (*Koto hoin*), were organized. But funds being deficient, only twelve judicial officials (*han-gwan*) could be employed, a number obviously insufficient to meet the requirements of three millions of people. Last April, ten more judicial officials were added, but prosecuting officials (*Kensatsu kwan*) being still lacking, the district police had to discharge the functions of prosecutors. Such is the history, in brief, of the judicial system in Formosa. Inasmuch, however, as very serious consequences were involved in the manner of carrying it out, I found myself obliged to point out various imperfections from time to time, as they showed themselves, and to urge upon the Governor-General the importance of remedying them. Not one of my suggestions was adopted. Now although the object of criminal law is to punish crime, that object is not necessarily attained by the conviction of a number of persons. No mistake could be greater than to suppose that the object of the criminal laws was achieved by arresting the folks who gave" a dozen of beer as a bribe." (We do not understand this allusion). "The laws are well administered when they operate in such a manner that their corrective effect is a hundred times greater than their punitive. Justice tempered with mercy is the first principle to be observed in putting laws into operation. The three millions of inhabitants of Formosa are crying out to-day that they can not obtain security for their lives and property. The reason of that unfortunate state of affairs is that the local police are not sufficiently strong, the result being that rebels go about freely by day and by night defrauding honest folks who have no means of resisting them, and whose appeals to the police for aid meet with no adequate response, the police being unable to protect them. It is the plain duty of the judiciary to see that such a state of affairs is corrected, but if the appeals of the judiciary are neglected, what recourse is there? If I am asked to explain the cause primarily responsible for this failure to provide security of life and property, I can only reply

that my mouth is sealed by the Law of Official Circumspection (*Fukumu kiritsu*). I must say a word, however, about my own retirement which is now the subject of so much comment. I myself, I can assure you, am in a state of the greatest perplexity. I have sought an explanation of the reason from the Cabinet Ministers, but their reply is so vague that I can find nothing to take hold of. They will not tell me whether I have committed any fault in the discharge of my official duties. Am I then to understand that I am incompetent for the post of chief judicial official of the upper court? I may, indeed, be endowed with small ability, but I am not so lacking in brain power as to be incapable of discharging my duties. If, again, it be contended that I exceeded my competence when I put the criminal code, the code of criminal procedure, and the code of civil procedure into operation, I reply that the 5th Article of Law No. 36 authorized me. Some accuse me of want of principle, on the ground that, whereas I approved the compulsory retirement of two other judges, I have rebelled when the same fate overtakes myself. That charge is based on ignorance of the facts. I have always been opposed to the compulsory retirement of judicial officials, and the course that I adopted on that occasion is clearly shown in the records of the Governor-General's office. When a local official who combined judicial functions with administrative was removed from office, I urged that the judicial part of his functions should be made subject to his own resignation, and on the other occasion of a judge's removal, advantage was taken of my absence. If I have been guilty of any fault, I will resign at once. But neither the Cabinet Ministers nor any one else can give me any clear proof, and I am myself unconscious of any. Therefore I can not consent to receive the notice of my retirement. If, on the other hand, I am informed that although I have not be guilty of any fault, my continuance in office does not conduce to the interests of the public service, I shall be ready to resign unhesitatingly, recognising, as I do, that the interests of Takano Muku and the interests of the public service are not to be mentioned together. I have no desire to shield myself behind a provision of the Constitution and to assume an attitude of opposition to the Government. When, however, instead of any of the above courses being adopted towards me, it comes to a question of the arbitrary dismissal of judicial officials, then I claim that in the interests of the independence of the empire's judiciary the Constitution shall be respected, and then I am prepared to stand up against the Government. I do not think that any Japanese subject could do less.

This is certainly not the language of a petty man. It has a fine ring of courage and high purpose. We can not agree with Mr. Takano's methods, but neither can we withhold from him a measure of the applause that is the due of everyone boldly championing a cause which he believes to be sacred. Moreover, if it be true that he can not obtain any explanation of the reasons of his removal from office, and if he be really ignorant of them, we can well understand that he feels indignant. But that is a matter entirely apart from the Constitutional question, and we are surprised that a judge should confound the two. If the Constitution has any application to the case, the nature of Mr. Takano's fault, and the Authorities' failure to explain their order of dismissal, are wholly irrelevaut issues. The one vital point is that the Administration is incompetent to remove him from office, since he can not be removed except by sentence of a criminal court or by judgment of a disciplinary court. Of course his case is greatly strengthened in public estimation by the plea that the Government will not even deign to let him know his fault, and, perhaps, we should not quarrel with him for appealing to the sympathy of the masses by advancing that plea.

It is the intention of the Authorities, we are informed by the vernacular press, to adopt a very resolute attitude towards Mr. Takano. He left Tokyo for Formosa on the 17th instant, and on arriving at Kelung, he will of course have to give his name and occupation. Should he then describe himself as "Head of the High Law Court" (*Kato-hoira-cho*)—which is the title of the office formerly held by him,—he will be proceeded against by his successor, Judge Mizuno, on a charge of falsely using an official title (*Kwammei Sosho*), and if he persists in so designating himself, he may possibly be arrested, though his imprisonment would, of course, be very unlikely. As for Mr. Takano, the same writers affirm that he will proceed to discharge the duties of his office, and they even pretend that he will carry arms for purposes of self-protection, but it is quite incredible, as, indeed, they remark, that a man holding such a position should attempt to forcibly resist the execution of the law. For our own part we anticipate that the whole trouble will end in smoke. More will doubtless be heard about it when the Diet meets, but we do not see how Mr. Takano himself can effect anything at this juncture. He has, indeed, many powerful supporters. The *Mainichi Shimbun*, for example, denounces the action of the Authorities in uncompromising terms, nor can it be denied that there are materials for a strong indictment. The *Yomiuri Shimbun*, on the other hand, points out the obvious error of supposing that Formosa has been brought under the judicial system operative in the other parts of the empire. The judicial and prosecuting officials are appointed by a process different from that followed in Japan proper; the procedure of the tribunals is different; the organization of the courts is fixed by order of the Governor-General or by Imperial Ordinance; there are no collegiate courts; the duties of prosecution are discharged by police officers of the seventh rank; the judges perform administrative functions, and in minor points also differences may be found. Ignorant of, or indifferent to, all the important facts, people do not hesitate to allege that the provisions of the Constitution have been extended to Formosa.

The 24th Article of the Constitution says:—"No Japanese subject shall be deprived of being tried by the judges determined by law." That article is now quoted by the defenders of Mr. Takano. If, they say, the judges officiating in Formosa are not judges duly determined by law, how can it be contended that Japanese subjects in Formosa are in the enjoyment of the privileges guaranteed to them by the Constitution? Persons advancing such an argument fail, apparently, to perceive that its value depends wholly on the applicability of the Constitution to Formosa. If the Constitution is applicable in Formosa, then all its articles must be applicable, and in that case the immunity provided for the judiciary by the fifty-eighth Article has been disregarded in the Takano matter, just as much as the privilege declared for Japanese subjects in the twenty-fourth is disturbed by the status of the judges. If the Constitution is applicable, there the discussion ends. Mr. Takano is then right and the Government is wrong. If the Constitution is not applicable, then to show that its twenty-fourth Article has not been observed is not more significant than to prove that its fifty-eighth has been disregarded. That seems such a simple exercise of the reasoning faculty that no one should be perplexed by it. Perhaps, since reference to the language of the Constitution is in fashion, we may

A NEW POLITICAL ASSOCIATION.

THE organization and dissolution of political parties in Japan have ceased to greatly interest foreign observers. It is now recognised that these events do not possess the significance attaching to them in the West. When men are linked together by a chain of principles the strength of their union can generally be estimated by the nature of the principles in question. But when their coalition depends upon personal considerations, incalculable influences may, at any moment, dissolve the cohesion. There are no principles available at present for the construction of political platforms in Japan. If we recall the course of events during the past twenty years, we perceive that representative institutions originally constituted the main line of cleavage between the "ins" and the "outs." The *Shizoku*—not the *Heimin*; not the bulk of the nation—that found themselves outside the pale of officialdom, agitated in favour of a national assembly, and the *Shizoku* that held the reins of power, though pledged to the principle of a parliament, sought to defer the event, partly because they doubted the nation's readiness, partly because they found their own account in preserving the *status quo*. The time, however, gradually ripened for the desired consummation, and it came. That great question having been disposed of, the agitators—we do not use the term disparagingly—had to seek some new ground of intelligible opposition to the Government. They found it in the problem of Party Cabinets. The Diet had become an accomplished fact. The "outs" had at length acquired the right of scrutinizing the acts of the Administration and controlling its legislative functions. They had also obtained a rostrum from which they might criticise, attack and condemn the conduct of officialdom. But so long as the Cabinet remained independent of the Diet, just so long did the sweets of office lie beyond the reach of the majority in the Lower House. Party Cabinets, therefore, became the second shibboleth of the Opposition.

Now here are two broad and perfectly plain issues: first parliamentary institutions; secondly, party cabinets. Are any other main lines of cleavage discernible in the political world of Japan? We can not discern any. There have been minor questions, it is true. There has been the question of Korea—a question that broke up the Cabinet in 1873; that nearly broke it up five years later; that involved collateral complications, such as the organization of the Kyodo Unyu Kaisha and its ultimate amalgamation with the Nippon Yusen Kaisha; that plunged the country into war with China; that led to the Liaotung embarrassment, and that finally necessitated the programme of military and naval expansion which the nation is now devoting its energies to carry out. It was always conceivable that the general problem of Korea, or some one of its numerous corollaries, might have furnished a platform for a political party. But it did not. The attitude of an ITO Cabinet towards Korea may appear to differ from the attitude of a MATSUKATA Cabinet, but there is no real difference. The nation has only one mind in the matter, and every coterie of statesmen or combination of politicians reflects that mind. Then, again, there has been the question of the Land Tax; there has been the question of freedom of speech; and there has been the question of official salaries. These, however, are dead issues, nor can it be said that they ever sufficed to differentiate parties. They were chiefly means to an end; sticks for beating the Government into acceptance of the Party-Cabinet System. Thus we revert to the conclusion that only two great issues have been before the country for the past twenty years—Constitutional Government and Party Cabinets. Moreover, the two issues are really one: Party Cabinets are the inevitable sequel of parliamentary institutions. Under such circumstances there appears to be now a *raison d'être* for only two political parties in the country: a party advocating immediate recourse to responsible cabinets, and a party advocating the postponement of that consummation. So, too, before the proclamation of the Constitution, there should have been room for only two parties: a party advocating the speedy inauguration of a parliament and a party advocating delay. But the state of affairs indicated by reason has never been attained. When all the "outs" were ostensibly fighting for the same end, constitutional government, they divided their forces into *Kaishin-to* and *Jiyu-to*, and fought even more bitterly against each other than against their common foe. When nearly all the members of the Lower House were nominally struggling to overthrow the clan combination and introduce party cabinets, they struggled in half a dozen sections against each other more violently than against the *Sat-cho* statesmen. There is now a *Jiyu-to*; there is a *Shimpo-to*; there is a *Kokumin Kyo-kai*; there are "caves" of seceders; there is a Business Men's Party, and there are Independents, but no man has ever yet been found capable of defining the theoretical differences that hold them all asunder. Nothing emerges clearly except the personal element. We have no choice but to conclude that persons, not principles, are the bases of political associations in Japan. On the whole, perhaps, no other result could reasonably be expected. Differences of principle can not be established where uniformity of principles prevails. The whole country may be said to be liberal and progressive, and its advance along liberal and progressive lines has been so

rapid—not to say precipitate—that no body of politicians with any sense of responsibility could venture to advocate a higher rate of speed. Conservatives calling for greater deliberation would seem to be a natural outcome of the situation, but they have not yet raised their heads in any appreciable numbers.

In such a state of affairs a new political association has been born. It calls itself the *Kōdō-Kai*, or "public unionist party." Probably our readers remember that when the Diet met last December, the members of the Lower House were supposed to be divided into nine sections, thus :—

Government Supporters.	
Progressionists (*Shimpo-to*	99
Parliamentary Club (*Giin-kai*)	25
Business Men.....	13
Independents	10
	147
Government Opponents.	
Liberals (*Jiyu-to*).....	100
National Unionists (*Kokumin Kyo-kai*)..	30
Kishu Section.....	8
Independents	5
	143
Unclassed Independents	7

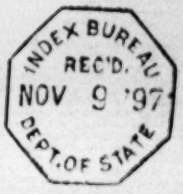
The Government had not a working majority; indeed, there were doubts whether it commanded a majority at all. But the first important division showed unexpected results. Several of the Liberals had seceded from their Party and formed an independent cave; several of the National Unionists had adopted the same course, and formed a National Club, and both groups voted with the Government though they refrained from enrolling themselves in the ranks of the latter's acknowledged supporters, the *Shimpo-to*. These seceders, together with the Parliamentary Club, making a total of about 50, have now coalesced to form the *Kōdō-kai*, under the leadership of Viscount TAKASHIMA, Minister of State for War. It is rumoured that they will be strengthened by another draft from the Liberal Party, bringing their number up to 70, but even though they receive no further access of strength, they will be in the position of holding the balance of power. As for their principles, we look in vain for anything to differentiate them from existing parties. They aim at securing the advantages of responsible cabinets; they intend to improve the country's foreign policy; they propose to adjust the finances and to develop the resources of the nation so that the prestige which ought to accrue to the State after its victorious war may be realized, and they declare themselves independent, free to support the right and condemn the wrong whatever its source. It is the usual string of vague platitudes. Every party might adopt the same platform. Interpreted by the light of the past, this movement seems to mean that Japanese politics have entered what may be called the fifth stage of their history. First, the affairs of the country were absolutely directed

by the band of statesmen who planned and achieved the Restoration. Secondly, some of those statesmen falling away from the majority of their colleagues, gathered about them a number of disaffected politicians, who, though working in separate parties under rival leaders, were guided by a common purpose, namely the establishment of representative institutions. Thirdly, that purpose attained, the parties still found it necessary to continue their joint campaign, with the object of compelling their official opponents to bow to the mandates of the Diet. Fourthly, the nation's leading statesman, Marquis ITO, identified himself with the most powerful party (the *Jiyu-to*), thus tacitly acknowledging the principle for which it fought, and destroying the platform upon which the various sections of the Opposition had hitherto stood together; and now, fifthly, the parties having no longer any common purpose to compass, or any general principles to assert, are lending themselves to be moulded by individual statesmen for purely political ends. After all, parliamentary institutions seem destined everywhere to develop some such mechanism.

Legation of U.S. in Japan

File

Copy shown to Sec and the President



TELEGRAM RECEIVED.

From Tokio,

Nov. 7. 1897.

9:19 A.M.

Sherman

Washington.

Japanese Minister for Foreign Affairs resigned yesterday. Baron Nishi has been appointed his successor.

B U C K.

DIPLOMATIC
DEC 4 189[illegible]
[illegible]

No. 52

LEGATION OF THE UNITED STATES,
Tokio, Japan, November 9, 1897.

INDEX BUREAU
REC'D.
DEC 4 '97
DEPT. OF STATE

To Senate
Dec. 18.

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting information regarding the postal telegraphs, telephones, and postal savings banks of Japan.

COPIED.

No. 52.

LEGATION OF THE UNITED STATES,

Tokio, Japan, November 9, 1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

Referring to the circular instruction of the Honorable, the Acting Secretary of State, of date the 17 July last, directing me to apply to the government to which I am accredited for "as full information as possible as to the nature and practical workings of the postal telegraphs, telephones and postal savings banks" of Japan, I have the honor to transmit herewith such a report furnished by the Japanese Government, together with a translation prepared in this office.

I have the honor to be,

Sir,

Your obedient servant,

N. E. Buck

Enclosure:

Report on Postal Telegraphs etc., of Japan, in Japanese and English, as above noted.

DIPLOMATIC
DEC 6 1897
BUREAU.

2D ASSISTANT SECRETARY,
-Ack by subject as read with interest- asb
DEC 5 1897

INDEX BUREAU
REC'D.
DEC 4 '97
DEPT. OF STATE

No: 53.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 9, 1897.

Ackd Dec 8

Mr. Buck

to the Secretary of State.

Subject:

Recent Cabinet changes. Resignation of Count Okuma.

No. 53.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 9 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

On the 7th instant, I had the honor to telegraph you as follows:- "Count Okuma resigned yesterday. Baron Nishi appointed his successor".

Count Okuma's retirement from the cabinet was not unexpected in view of the recent regrouping of political parties whereby the Shimpo-to (Progressionists), Count Okuma's followers, have been placed in an attitude of hostility to the Government.

The reasons for the Progressionists withdrawal of their support from the Government, as announced by them, are the failure of the present cabinet to accomplish any of the reforms in home and colonial administration which are looked upon as essential to good government and the cabinet's determination to meet the existing deficits in the different departments, caused, it is claimed, by extravagance and incompetence, by an increase in the land and saké taxes, which policy is opposed by the Progressionists as well as by Count Okuma.

In addition to the very natural desire of Count Okuma to retain his political following, his retirement from the Government has been further impelled by a combination against him within the cabinet itself, which I understand

which has resulted in the formation of a new party called the Kodo-Kai, (Public National Party) under the leadership of Viscount Takashima, Minister of War, and Count Kabayama, Minister of Home Affairs, with the purpose of eliminating from the Government all influences antagonistic to the Satsuma clan. The result has been the resignation of Count Okuma from the post of Minister for Foreign Affairs on the 6th instant and the immediate appointment of Baron Nishi in his stead.

This change in the personnel gives a majority(five out of nine) of the cabinet portfolios to Satsuma statesmen and should produce an harmonious working of the Government. The general opinion seems to be, however, that the sacrifice of political support to obtain a Satsuma cabinet has been shortsighted and that the Government will find a strong majority arrayed against it in the Diet to assemble in December.

Baron Tokujiro Nishi, the newly appointed Minister for Foreign Affairs, is a native of Kagoshima, Satsuma, who received his education in Russia. He has been in the diplomatic service of his country since 1878, his last post having been that of Minister at St. Petersburg where he rendered signal service in the negotiation of the recent Russo-Japanese treaty.

The following table shows the organization of the cabinet:-

Minister President and Minister of Finance--Count Matsukata.
Minister of Foreign Affairs-------Baron Nishi.
Minister of Home Affairs---------Count Kabayama.
Minister of War-----------------Viscount Takashima.
Minister of the Navy------------Marquis Saigo.
Minister of Education-----------Dr. Hamao.
Minister of Communications------Viscount Nomura.
Minister of Justice-------------Mr. Kioura.
Minister of Agriculture and Commerce---Baron Yamada.

I

I have the honor to be,

Sir,

Your obedient servant,

W. C. Buck

I have the honor to be,

Sir,

Your obedient servant,

H. B. Buck

No. 5 June 26, 1897

2D ASSISTANT SECRETARY,
DEC 8 1897

DIPLOMATIC
DEC 18 1897
BUREAU.

No. 54.

INDEX BUREAU
RECD.
DEC 4 '97
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 5, 1897.

Recd. Dec. 8. Hawaii Dec. 10.

Mr. Buck

to the Secretary of State.

Subject:

Immigration question between Japan and Hawaii.

Interview with Minister for Foreign Affairs on the subjects of Japan's Immigration question with Hawaii and the Annexation of Hawaii.

No. 54.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 5, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

Referring to my despatch No. 46, of date the 3rd ultimo, relating to the settlement by arbitration or otherwise of the immigration question pending between Hawaii and Japan, I have the honor to state for the information of the Department that, yesterday, I had a personal interview upon this subject with Count Okuma, H. I. J. M's. Minister for Foreign Affairs. I found His Excellency very frank in statement and earnest for a speedy adjustment of all points in dispute between the two governments. He stated in substance that, upon the Hawaiian Government's proposing arbitration as a mode of settlement, his government had made prompt response assenting thereto, proposing the points in what, in the opinion of Japan were issue to be submitted to the arbitrator, but that, since that time, he thought that there had been unnecessary delay on the part of Hawaii by her objection to Japan's propositions and in her failure to offer counter propositions; and that now Hawaii had asked what amount Japan would claim as a satisfactory indemnity.

In the course of conversation Count Okuma requested me to urge upon

upon my Government the use of her kind offices with the Hawaiian Government to hasten action, either in coming to an understanding upon the preliminary questions to be agreed upon before submitting the case to arbitration, or in making some arrangement with Japan for a prompt settlement between the two governments themselves.

In reply I took occasion to say that the United States had greatly desired a speedy and amicable solution of all questions between the two countries and that I felt authorized to assure him that my Government had already been using her influence with Hawaii in all proper ways in furtherance of a result so desirable, not only to Japan, but to the United States as well, but that I would communicate his desire in accord with his request. He seemed pleased with my statement and expressed his hearty appreciation of the attitude assumed by the United States and remarked that, considering the intimate relations existing between the United States and Hawaii, he felt confident that my government would be able to do very much in furtherance of a speedy settlement.

That Japan believes that she has just cause for complaint and just grounds for her demands upon Hawaii, and that she is most earnest to bring about a settlement at the earliest possible day is quite certain. On the character of the particular details of the proposition submitted by Japan as terms and conditions precedent to arbitration, I am not sufficiently advised to offer an opinion.

It may be proper for me to state in this connection that the Hawaiian Minister here seems to be strongly of the opinion that Japan has just claims upon Hawaii and to believe that it would be for the best interest of his Government to compromise by the payment of a reasonable indemnity which

which, he thinks, would be satisfactory to Japan. While Count Okuma did not disclose to me what indemnity would be demanded by Japan in case of a settlement with Hawaii without arbitration, I am led to believe by his general statements that a settlement between the two governments could be effected by the payment of a reasonable sum by Hawaii.

Upon referring to the matter of the annexation of the Hawaiian Islands to the United States, and upon my remarking that I trusted that no difficulty would result over that matter between the United States and Japan, Count Okuma replied that "he hoped not", and stated substantially that he did not anticipate that there would be any serious controversy over that matter between the two governments; that the United States had been the constant friend of Japan from Commodore Perry's time, and that friendly relations had so long existed between the two countries that he hoped nothing would take place to cause an estrangement;-that the frienship between them and the mutual interests of both countries were such as ought not to permit a small matter like the Hawaiian annexation question to disrupt them;- that he hoped and expected that the sense of justice and the friendship that the United States had uniformly manifested for Japan would inspire her to fully protect all the rights and interests of Japan and her subjects in Hawaii. Upon which, I gave assurance that the United States would not fail in any contingency to do that which was right and just in respect to the interests of Japan and her subjects in Hawaii.

Count Okuma added the remark that he was not prepared then to go fully into the discussion of the subject of the annexation of Hawaii, but

but that, after our Congress had convened and the matter had come up for consideration, he would probably have occasion to submit to me some matters for the consideration of my government.

From the tenor of our conversation I concluded, (as I also had from frequent interviews with another influential man in the Foreign Office), that Count Okuma regarded the annexation of the Hawaiian Islands to the United States as inevitable and, in that event, Japan would desire and expect that the United States would give such assurances as would guarantee the protection of Japanese subjects in Hawaii in every right and privilege that they have under the Hawaiian Government by treaty, as also to guarantee the fulfillment of any obligations and the payment of any indemnity to Japan that might be fixed upon by arbitration or otherwise in compensation to her and her subjects for all loss and damage incurred by reason of her emigrants to Hawaii having been denied the right to land and having been deported by that Government.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

Enc 3 Mr. Foster. 11 Oct

OF STATE
8, 9.17 AM 18[illegible]
CLKS. OFFICE
CEIVED

TELEGRAM RECEIVED.

DIPLOMATIC
NOV 19 1897
BUREAU.

From Tokio

Nov. 18, 1897.

Received 9.08 A.M.

Sherman

Washington.

Cert. for. 20/

November 18. × Stejneger sailed for San Francisco November tenth

Buck

U. Sealing Agent.

DIPLOMATIC
DEC 11 1897
BUREAU.

File

No. XX

DEC 11 1897

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 19, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Forwarding geographical information for transmission to the Matthews-Northrup Company.

No. #

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 19, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

In compliance with your unnumbered Instruction No 27 of date the 15th ultimo (September), enclosing copy of a letter from the Matthews-Northrup Company, and directing me to endeavour to obtain certain geographical information about Japan asked for in that letter, I have the honour to forward herewith under separate cover for transmission to that Company, the information which I have been able to obtain in answer to their questions, together with a map of Japan which was published a few days ago.

By Mail Clerk.

I have the honour to be,

Sir,

Your obedient servant,

J. E. Buck

Enclosure:

One cover addressed to the Matthews-Northrup Company, as above.

No. 55.

File



DIPLOMATIC
DEC 11 1897
BUREAU.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 17, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging the receipt of Instruction No. 39, of date October 14, 1897.

No. 55.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 17, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

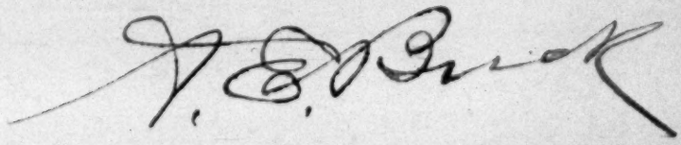
Sir:

I have the honour to acknowledge the receipt of your Instruction No.39, of date the 14th ultimo, informing me of the ruling of the Department of War as to the official status and duties of military attachés.

I have the honour to be,

Sir,

Your obedient servant,



File

No. 56.

DEC 11 1897

DIPLOMATIC
DEC 11 1897
BUREAU.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 19, 1897.

Mr. Buck

to the Secretary of State.

Subject:

Confirming Mr. Sherman's telegraphic Instruction, of date November 15th, 1897, and Mr. Buck's replying telegraphic Dispatch of date November 18, 1897.

No. 56.

LEHATION OF THE UNITED STATES,

Tokyo, Japan, November I8, I897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

I have the honour to confirm on the overleaf your telegraphic Instruction, of date the I5th instant, and my replying telegraphic Dispatch, of date the I8th instant.

I have the honour to be,

Sir,

Your obedient servant,

A. E. Buck

Telegram received.

"Buck, Minister,

"Tokyo.

"Any information whereabouts Stejneger answer.

"Sherman"

Telegram sent.

"Sherman, Washington,

"November 18.

"Stejneger sailed for San Francisco November 10.

"Buck"

DIPLOMATIC
DEC 11 1897
BUREAU.



No. 57.

LEGATION OF THE UNITED STATES,

Tokio, Japan, November 20, 1897.

Ackd to Navy Dec. 13

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting charts for Hydrographic Bureau.

No. 57.

LEGATION OF THE UNITED STATES,

Tokio, Japan, November 20, 1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to transmit herewith, under separate cover, a number of charts that have been received by this Legation from the Hydrographic Bureau of the Navy Department of the Japanese Government with the request that they be sent to the Hydrographic Bureau at Washington?

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

DIPLOMATIC
DEC 16 1897
BUREAU.

No. 58

DEC 1897

LEGATION OF THE UNITED STATES,
Tokyo, Japan, November 20, 1897.

Rec'd Dec. 14

Mr. Buck

to the Secretary of State.

Subject:

Informal talk with the Japanese Minister for Foreign Affairs, Baron Nissi, on the subject of the practicability of concluding a reciprocal commercial treaty with Japan.

SP: COMr. PLENIPO.
Dec. 13, 97.
Withdrawn Draft of Ltr by Dec 14 97
Japan.

No. 58.

LEGATION OF THE UNITED STATES,
Tokyo, Japan, November 20, 1897.

To the Honourable John Sherman,
Secretary of State,
Washington, D.C.

Sir:

I have the honour to state that, in view of the provisions in respect to reciprocal trade between the United States and other countries, contained in Section 4, of the recent Act of Congress "To provide revenue for the Government &c.," and in view of the statutory tariff of Japan which, it is expected, will go into effect as soon as practicable upon the conclusion of the treaty of Japan with Austria (the only remaining treaty power which has not yet concluded a new treaty with Japan), I have had a casual conversation with His Imperial Japanese Majesty's new Minister for Foreign Affairs, Baron Nissi, upon the advantages to both countries to be derived from reciprocal trade, I found the Baron favourable to entering into a commercial treaty with the United States, should it be found practicable under the stipulations contained in the new treaties with other countries, with which he was not then sufficiently acquainted to form a conclusion. He intimated his purpose to investigate the subject and, in the near future, to be able to discuss the matter with a view, if practicable, to meeting such propositions as might be made by the United States, if any, in respect to a treaty of reciprocity in trade.

Awaiting

Without Instructions from the Department, I have not felt at liberty to do more than simply to bring the subject up in an informal way.

Awaiting Instructions, if it should be thought best for me to proceed further looking to the conclusion of such a trea with Japan,

I have the honour to be,

Sir,

Your obedient servant,

J. E. Buck

2D ASSISTANT SECRETARY,
DEC 22 1897

Copy to the Treasury for its information - It remains to be seen how Mr. Buck's plan will work. So ack.

DIPLOMATIC
DEC 23 1897
BUREAU.

No. 59.

LEGATION OF THE UNITED STATES,

Tokyo, Japan November 29, 1897.

INDEXED BUREAU
REC'D.
22 DEC 1897
DEPT. OF STATE

Ans'd and To Treas Dept Dec 24/97

Mr. Buck

to the Secretary of State.

Subject:

Mr. Buck's second representation to the Japanese Government of the proposition of the United States that consular supplies be admitted to Japan free of duty.

No. 59.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 29, 1897.

To the Honourable John Sherman,

Secretary of State,

Washington, D.C.

Sir:

In view of your Instruction No.40, of date the 15th ultimo, suggesting that the Japanese Government had not clearly comprehended the essential point in the proposition of the Government of the United States that its official consular supplies are and remain the property of the United States and that their entry into Japan free of duty is not asked for in any sense as a consular priviledge, but as a courtesy to the Government by which they are sent and whose property they are; and, further, pointing out the advisability of making this view clear to the Government of Japan, on the 11th instant I addressed a Note to Baron Nissi, His Imperial Japanese Majesty's Minister for Foreign Affairs, (copy of which forms Enclosure No.1 herewith) fully setting forth this proposition.

In reply I received a Note from the Minister for Foreign Affairs, of date the 24th instant, (copy of which forms Enclosure No.2 herewith) stating that the Japanese Government had clearly understood the real purpose of the Government of the United States, and that they were constrained to repeat their

former

former reply (copy of which, and of my Note No.18 of date September 3rd, last, sent in pursuance of the Department's Instruction No.II of date August 4th, last, to which it replied, I had the honour to enclose with my Dispatch No.34 of date September 21st, last.)

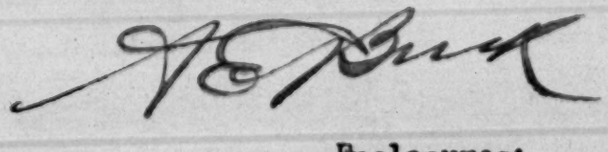
In conclusion, the Minister for Foreign Affairs expresses regret at the inability of his Government to consent to the proposition, and says that he will be always ready in future to issue instructions to the customs authorities "to accord every possible convenience to such official supplies", upon receiving from me a special request upon each occasion of their arrival.

Believing this to mean that the duties upon consular supplies are to be remitted in future, upon the special request of the representative here, while awaiting the Department's further instructions, I have directed each of the United State Consuls in Japan to notify me without delay of the arrival of consular supplies, that I may request their admission free of duty; and to withold payment of duty pending the result of such requests. I have the honour to enclose herewith copy of my Instruction to the United States Consul General at Yokohama, Instructions identical with which have been sent to the other United States Consuls in Japan.

I have the honour to be,

Sir,

Your obedient servant,



Enclosures:

Enclosures:

No.1, Copy of Mr. Buck's Note to Baron Nissi, H.I.J.M's Minister for Foreign Affairs; of date November IIth, I897.

No.2. Copy of Baron Nissi's Note to Mr. Buck, of date November 24th, I897.

No.3. Copy of Mr. Buck's Instruction to the United States Consul General at Yokohama.

Enclosure No.I, with Mr.Buck's No.37(Copy)

No.35.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November II, I897.

His Excellency

Baron Nissi Tocziro

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:

Referring to my Note No.I8 of the 3rd September, last, which I had the honour to address to your Excellency's predecessor, asking, at the instruction of my Government, that the official supplies sent by the Department of State to the United States Consular officers in Japan might be admitted free of customs duty, and to His Excellency Count Okuma's reply thereto— Note No.39, of September I5th, declining the proposition of my Government for the reciprocal free admission of consular supplies into the United States and Japan,—I have the honour to inform Your Excellency that I have been instructed to represent further this matter to the Imperial Government.

It seems to the Honourable the Secretary of State that Your Excellency's Government has not clearly comprehended the essential point in the proposition made by the United States

that

Enclosure No.I, with Mr.Buck's No.37(Copy)

No.35.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November II, 1897.

His Excellency

Baron Nissi Toeziro

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:

Referring to my Note No.I8 of the 3rd September, last, which I had the honour to address to Your Excellency's predecessor, asking, at the instruction of my Government, that the official supplies sent by the Department of State to the United States Consular officers in Japan might be admitted free of customs duty, and to His Excellency Count Okuma's reply thereto— Note No.39, of September I5th, declining the proposition of my Government for the reciprocal free admission of consular supplies into the United States and Japan,—I have the honour to inform Your Excellency that I have been instructed to represent further this matter to the Imperial Government.

It seems to the Honourable the Secretary of State that Your Excellency's Government ha not clearly comprehended the essential point in the proposition made by the United States

that

that the consular supplies referred to belong in no sense to the consular officers, but are and remain the property of the United States, being sent abroad for the public service of the country. This is inferred from Count Okuma's statement that the admission free of duty of the articles belonging to consuls is not permissible. In the view of my Government and in the representative intercourse of the United States with many other States, the free entry of this class of office supplies is not a consular priviledge, but is a courtesy to the Government to which they belong and for the public service of which they are indespensable.

My Government is desirous of making this view clear to the Imperial Government in order that no misunderstanding may exist. For this reason the Department of State refrains for the present from regarding the reply of His Excellency Count Okuma as final, and and until it shall be affirmed will defer notifying the Treasury Department to direct the collection of duties on such supplies sent by the Japanese Government to its consuls in the United States.

I trust that after this further representation Your Excellency's Government may be pleased to accept the proposition of the United States for reciprocal free admission of consular supplies as set forth in my No. I8, of September 3rd, last, above referred to.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) A. E. Buck.

Enclosure No.2, with Mr. Buck's No. 37 (copy)

No.49.

Department of Foreign Affairs,

Tokyo, the 24th day, theIIth month,

the 30th year of Meiji.

His Excellency

Alfred E. Buck

Envoy Extraordinary and Minister Plenipotentiary of

the United States of America.

Monsieur le Ministre

I have the honour to acknowledge the receipt of Your Excellency's Note No.35, of the IIth instant, stating that the reply of Count Okuma, my predecessor, to Your Excellency's Note No.I8, of the 3rd September, expressing the desire that your consular supplies on which certain duty has been imposed at the Imperial Customs, might hereafter be admitted free of customs duty as an act of reciprocal courtesy of the international intercourse, did not appear to show that the Imperial Government has clearly comprehended the real intention of Your Excellency's Government, and that Your Excellency were instructed to further represent the essential point of the proposition of Your Excellency's Government.

I beg, in reply, to state that the Imperial Government have in no wise failed to comprehend the real purpose of Your Excellency's Government, and I am constrained to repeat what was contained in the reply of my predecessor that it has been

a

a practice, generally and continually pursued, to impose duty upon such consular supplies sent to any of the foreign consulates in Japan as are of dutiable nature, and further that the free admission of such articles is inconsistent with our existing Tariff Law.

It is a matter of profound regret that the Imperial Government is unable for reasons above repeated to consent to so cordial a proposition of Your Excellency's Government. I shall however, be always ready in future to issue instructions to the customs authorities on each occasion to accord every possible convenience to such official supplies upon receipt of special request from Your Excellency on their arrival.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) Baron Nissi Tocziro,

Minister for Foreign Affairs.

Enclosure No.3, with Mr.Buck's No.59.(Copy)

No.34.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 29, 1897.

John F.Gowey, Esquire,

Consul General of the United States,

Yokohama, Japan.

Sir:

I have to request that in the future you will inform me of the nature, approximate value, and expected time of arrival of all consular supplies for the Consulate General at Yokohama as also the name of the steamer bringing them. When these facts are not known in advance, I will thank you to inform me of (th)em immediately upon the arrival of supplies. I will then request that such official consular supplies be admitted to Japan free of duty, pending the result of which request you will withold the payment of duty.

I transmit herewith, under separate cover, Instructions identical with this, for each of the United States Consuls in Japan, which I will thank you to forward to them.

I am, Sir,

Your obedient servant,

(Signed) A.E.Buck.

DIPLOMATIC
DEC 28 1897
BUREAU.

DIPLOMATIC,
JAN 25 1898
BUREAU.

INDEX BUREAU
REC'D.
22DEC1897
DEPT. OF STATE

2D ASSISTANT SECRETARY,
Comply.
DEC 22 1897

No. 60.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 29, 1897.

Read Jan 27

BUREAU OF ROLLS & LIBRARY
DEC 24 '97
DEPARTMENT OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Supreme Court Reports needed at the Legation.

No. 60..

BUREAU OF ROLLS & LIBRARY
DEC 24 '97
DEPARTMENT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 29, 1897.

Honorable John Sherman,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your Instruction No. 56 of the 9th ultimo, calling for a list of the volumes of the United States Supreme Court Reports now in my possession, in order that the Department may understand more clearly what Reports are necessary to complete the series.

Upon examination, I find that there are now at the Legation the following Reports:- Curtis 1-20, (comprising Dallas 2-4, Cranch 1-9, Wheaton 1-12, Peters 1-16, and Howard 1-17); Howard 18-24; Black 1-2; Wallace 23 volumes; Otto 17 volumes ; and Davis 24 volumes(Nos 108-131).

From the above list, it will be observed that to complete the set 35 volumes of Davis, Nos. 132-166 are wanting. As the Reports hitherto sent, with the exception of Curtis 1-22, have been of the original editions, I have the honor to request that the 35 volumes of Davis to be forwarded may also be of the original edition for the sake of uniformity in the series.

In addition to the above, I have the honor to request that the

Legation may be provided with a Digest of the decisions of the Supreme Ciurt of recent publication.

Ihave the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC
DEC 23 1897
BUREAU.

2D ASSISTANT SECRETARY,
To Dept of Agriculture
Ack. by Number and File.
DEC 22 1897

INDEX BUREAU
REC'D.
22DEC1897
DEPT. OF STATE

No. 61

LEGATION OF THE UNITED STATES,

Tokio, Japan, November 30, 1897.

To State dept
Dec 23/97

Mr. Buck,

to the Secretary of State.

Subject:

Report on adulterated food stuffs etc.

No. 61.

LEGATION OF THE UNITED STATES,

Tokio, Japan, November 30/1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C.-

Sir:

Referring to your circular instruction of date August 13, 1897, requesting such information as it is possible to obtain relating to the regulations governing the preparation and sale of adulterated and inferior food stuffs in Japan, I have the honor to enclose herewith a report upon the subject, based in the main upon information received from the Department of Home Affairs of the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:

Report on laws etc., regulating the sale of adulterated food stuffs in Japan.

No. 61.

LEGATION OF THE UNITED STATES,

Tokio, Japan, November 30/1897.

Honorable John Sherman,

Secretary of State,

Washington, D.C.-

Sir:

Referring to your circular instruction of date August 13, 1897, requesting such information as it is possible to obtain relating to the regulations governing the preparation and sale of adulterated and inferior food stuffs in Japan, I have the honor to enclose herewith a report upon the subject, based in the main upon information received from the Department of Home Affairs of the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:

Report on laws etc., regulating the sale of adulterated food stuffs in Japan.

Translation.

REPORT ON ADULTERATION OF FOOD STUFFS IN JAPAN.

In ancient times the evil of manufacturing imitations of foods and beverages was not known in Japan. The danger that such articles were not fresh was also guarded against by public opinion; but during the last ten years we find that the sale of corrupted articles of food and drink have crept in through commercial competition, and the regulation of such sales has come to be acknowledged as necessary.

Formerly, as has been said, the kinds of food and drink in use in Japan were very simple and the quality pure. For instance, in former times materials of a vegetable nature without any injurious properties whatever were used for coloring matter in food stuffs and beverages, but in recent years the use of injurious materials for such purposes has so increased that the necessity of taking vigorous measures for their suppression has been recognized.

Such is a brief historical resumé of the subject. Many local regulations have been issued on this subject in the various provinces (43 in number) throughout Japan; some of the most important regulations issued by the Central Bureaus have been as follows:

I) Notification of the Council of State (Dajokan), issued March 19, 1871; repealed in 1885.

" Hitherto the bodies of dead horses and cattle, whenever " there were any such, have been turned over to the garbage " collector; but from this time the bodies of horses, cattle, " and other animals may be treated according to the owners' " convenience".

2) Notification No. 76, Department of Finance, issued August, 1871.-

" Owing to the increase in the use of flesh for food in " Japan, notice is hereby given that slaughter houses must be " located at a distance from dwelling houses, and the sale " of the meat of sick or dead cattle is strictly prohibited ". " Strict attention should be given to the above regulation " by dealers in meat. Local authorities shall grant licen- " ses to proprietors of slaughter houses, upon proper examin- " ation, after the enclosed form, and shall report the same " to this Department.

" It is further prohibited to kill cows that are necessary " for breeding purposes; but this restriction shall not apply " to cows of 12 and 13 years of age or upwards, not used for " breeding purposes.

" The matter of the export of meats from the various open " ports shall be superintended by the local authorities, and " this Department should be notified of the facts."

(Form of certificate as above mentioned)

3) Notification No. I57, Department of Finance, issued November 5, I873.

" The custom of eating flesh has of late been introduced " and notice was given in August, I871, prohibiting the " slaughter of cows used for breeding purposes. It is repor- " ted, however, that some persons have killed young cows for " sale. If care be not taken at this point great injury will " result to the breeding of cattle, and they even become ex- " terminated. Definite supervision must be established by " each local authority , according to the meaning of this " instruction, and report be made to the Taxation Office.

4) Notification No.35, Department of Home Affairs, issued April I8, I878.-

" The use of aniline and other mineral substances as " coloring matter for food stuffs, has recently become quite " prevalent. Such materials are dangerous, and may even " cause death. Notice is therefore hereby given that care

<u>should</u>

" should be taken by the local authorities.

" Note.- In case of doubt as to whether materials so used " are poisonous or not in their nature, specimens should be " sent to the Department of Home Affairs for testing." .

5) Notification of the Department of Home Affairs, issued September 20, I878.-

" Notice is hereby given that the manufacture of impure ice " is strictly prohibited. Manufacturers of ice shall apply " to the proper authorities for the inspection of their ice " both at the time of its manufacture each year , and also " at the time of sale each year".

6) Notification of the Department of Agriculture and Commerce, No.65, -

" The Notification regulating the issuance of licenses " and the location of slaughtering houses is annulled from " November I4, I890".

7) Notification of the Department of Home Affairs, issued November, I890.-

" The sale of birds and animals as food, that have died " from disease, is strictly prohibited. No objection shall " be made however to the use of the bones and hides for

manure

manure of such as have died of old age or ordinary disease. Strict care should be taken in every locality, however, by the authorities to make this distinction.

Note.- The carcasses of such as have died of infectious diseases shall of course be burnt".

In addition to the above Notifications should be mentioned the long list of rules and regulations adopted and revised from time to time to regulate the preparation of tea. These regulations were sent as enclosures with despatch No. 48 of date Oct. 20, 1897.

The following sections of the Crimihal Law of Japan also apply:

Sec. 243.- Any person guilty of contaminating drinking water and rendering it unfit for use, shall be subject to major confinement, for from 11 days to 1 month and a fine of from 2.00 to 5.00 Yen.

Sec. 244.- Any person adulterating drinking water by the use of injurious materials, shall be subject to major confinement of from I month to I year, and a fine of from 2.00 to 5.00 Yen.

Sec.)245.- Any person guilty of the above crimes, who shall cause thereby the sickness or death of any other person shall be subject to trial according to the Law of Criminal

Procedure.

Sec.253.- One guilty of selling substances which are injurious to health, for the purpose of adulterating food , shall be fined from 3.00 to 50.00 Yen.

Sec. 426.- Any person guilty of selling putrified food or unripe fruit shall be imprisoned from 2 to 5 days, and a fine of from .50 to I.50 Yen.

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